



# **COTTONWOOD HEIGHTS**

## **PLANNING COMMISSION STAFF REPORT**

**SEPTEMBER 3, 2008**



## **COTTONWOOD HEIGHTS PLANNING COMMISSION AGENDA**

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a **Regularly Scheduled Meeting** beginning at 7:00 p.m. on **Wednesday, September 3, 2008**, in the Cottonwood Heights City Council Chamber located at 1265 East Fort Union Blvd., Suite 250 (work session) and Suite 300 (business meeting), Cottonwood Heights, Utah.

**5:45 p.m. WORK SESSION (suite 250)**

**7:00 p.m. BUSINESS MEETING (suite 300)**

**1.0 WELCOME/ACKNOWLEDGEMENTS – Chairman**

**2.0 CITIZEN COMMENTS**

*(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting)*

**3.0 PUBLIC HEARINGS**

**3.1** The Planning Commission will receive public comment on a request by Allen Nielson to rezone 2.0 acres from RR-1-43 to RR-1-21(1 acre lots to ½ acre lots). This property is located at 2249 East 7800 South.

**3.2** The Planning Commission will hold a public hearing and receive public comment on the proposed amendments to Chapter 19.76, Supplementary and Qualifying.

**3.3** The Planning Commission will hold a public hearing and receive comments on the proposed amendments to the Foothill Recreation Zone F-20; Foothill Residential Zone F-1-43; Foothill Residential Zone F-1-21; Rural Residential Zone RR-1-43; Rural Residential Zone RR-1-21; Residential Single Family Zone R-1-15; Residential Single Family Zone R-1-10; Residential Single Family Zone R-1-8; Residential Single Family Zone R-1-6 zoning amendment. Modifying setbacks for accessory structures and re-evaluating adopted list of permitted and conditional uses.

**4.0 ACTION ITEMS**

**4.1** The Planning Commission will take action on a request by Mark Neff for an amendment to the general plan. The Applicant proposes an amendment from the low-density general plan designation to the medium-density designation. The property is located at 8575 S. Wasatch Blvd. A public hearing was held for this item on August 20, 2008 before the Planning Commission.

**5.0 DISCUSSION ITEMS**

**5.1** The Planning Commission will review and discuss the progress of the City Center Master Plan.

**6.0 PLANNING DIRECTOR'S REPORT**

**7.0 APPROVAL OF MINUTES**

**7.1** January 09, 2008

**7.2** January 16, 2008

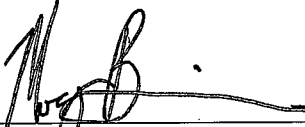
**7.3** February 06, 2008

**7.4** March 19, 2008

**7.5** August 20, 2008

## 8.0 ADJOURNMENT

*On Friday, August 29, 2008, at 4:00 p.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Planning Department. A copy was also faxed or emailed to the Salt Lake County Council, Holladay City, Midvale City, Murray City, and Sandy City pursuant to Section 10-9-103.5 of the Utah Code. The agenda was also posted on the city internet website at [www.cottonwoodheights.utah.gov](http://www.cottonwoodheights.utah.gov)*



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Morgan Brim  
Planning Technician



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## Item 2 – CITIZEN COMMENT

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**Issue:** \_\_\_\_\_

**Comments:**

**Issue:** \_\_\_\_\_

**Comments:**

**Issue:** \_\_\_\_\_

**Comments:**



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## Item 3.1: Zone Change Request – Cottonwood Heights Overlook Phase II

File Name:	08-044—Cottonwood Heights Overlook Phase II Zone Change
Application Received:	June 30, 2008
Meeting Date:	September 3, 2008
Public Hearing Date:	September 3, 2008
County parcel Number:	2234126019
Location:	2249 E. 7800 South
Development Area:	2.0 Acres
Request:	Zone change from RR-1-43 to RR-1-21
Owner/Applicant:	Marvin and Rhea Zitting
Agent:	Allen Nielson
Staff:	Greg Platt, Planner

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### **Purpose of Staff Report**

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any zone change request application. This report provides preliminary information regarding the zoning of the above noted parcel of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Zoning: RR-1-43 (19.17), RR-1-21 (19.20), Amendments and Rezoning (19.90) and the Cottonwood Heights General Plan.

### **Pertinent Issues Regarding this Development Application**

#### **Applicant's Request**

The applicant is requesting a zone change for a property located at 2249 E. 7800 South from RR-1-43 Rural Residential to RR-1-21 Rural Residential. The general plan designation for the property is Rural Residential.

#### **Neighborhood/Public Position on the Request**

At the time of this staff report, staff has received two comments with regard to the requested zone change. Both comments were received by phone and opposed the change. One comment was based on traffic impacts, and the other on geology of the parcel. A report will be given at the time of the meeting to further update the commission of any other concerns that may have been received. The public hearing was noticed as City code requires. A written notice was mailed to all property owners within 1000 feet of the applicant's property

At the time of the staff report several comments have been received by the staff prior to the public hearing and have been presented to the Planning Commission. A public hearing also has been held and public comment has been heard by the Planning Commission. The Planning Commission closed the public hearing on August 20, 2008, and scheduled this issue for action on September 3, 2008.

## **Staff Observations and Position on the Request**

### **Staff has made the following observations:**

#### *Application*

The applicant has submitted a complete application and paid the applicable fees.

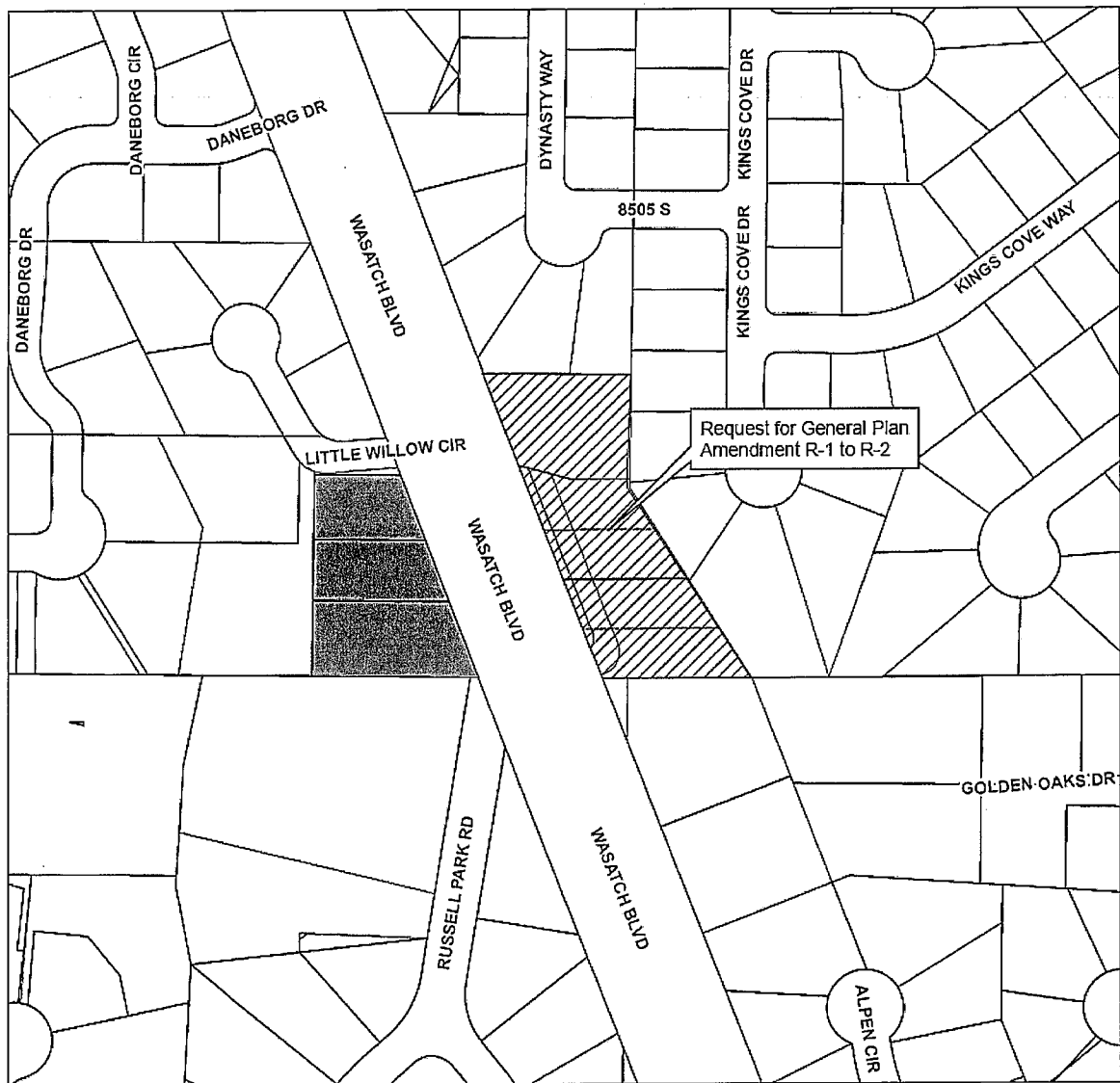
#### *Site Layout*

The subject properties are located on a semi-improved piece of property at approximately 8500 South Wasatch Blvd. Five properties make up the Alta Hills #3 subdivision which was recorded as a standard subdivision in July 2001. The property is accessed from Wasatch Boulevard. The southwestern portion of the property is at the same grade as Wasatch Boulevard. The property extends eastward toward the Esquire Estates #1 subdivision to the east with significant portions of each lot affected by a relatively steep slope. Faults have been identified on the plat and with geotechnical and geological work done when the subdivision was approved limiting building area on some of the lots.

The buildable area sits at a lower elevation than the adjacent neighborhoods and has no access to or from any adjacent properties. Several single family homes sit directly south of the subject property with access from a private drive off of Alpen Circle. Because this is a private lane, and because there are lots located between the subject lots and Alpen Circle, no access could be given to these lots from Alpen Circle. Additionally, the properties adjacent to the subject lots to the east have access to Kings Cove Drive, but due to an elevation difference of over 50 feet on a 60% slope, no access will be available for the lots in question.

Located directly across Wasatch Blvd. from this property is a development of twin homes which are zoned R-2-8. These homes have direct access onto Wasatch Blvd. from their driveways, rather than from any access road. This application has the intent of matching that use. However, the zoning of the property across the street was probably based on inherited uses from the County at the time of incorporation of the City, and a change to match that project would not be in line with the general plan.

All lots in the plat seem to be buildable with strict limitations due to the presence of earthquake fault lines. The developer's argument is that single family homes on these lots are not feasible because they are not marketable due to the proximity of the lots to Wasatch Blvd. However, several of the neighboring lots to the north and south have existing single family homes, some of which are built even closer to Wasatch Blvd., and within the last few years, with access onto Wasatch or other streets (e.g. Alpen Circle).



#### *Low-density Residential and Medium-density Residential*

The applicant has submitted a request to amend the Cottonwood Heights general plan for four of the five properties from the Low-density Residential designation to the Medium-density Residential designation. The change in land use designation would allow an applicant to request a zone change from the R-1-8 zone to the R-2-8 zone. The change would allow the property owner to develop property with twin homes on each of the lots. Currently, the property owner may only acquire building permits for the development of single-family detached housing.

The original application on this property was to change all five lots from low-density to medium density. Since the original recommendation from the planning commission, which was for denial, the applicant has decided to reduce the request from five lots to four lots. If the new request was approved, the owner would be allowed to build four twin homes on the property and in return the applicant would dedicate the final lot to open space to prevent further development of the property. There is no guarantee if the amendment is approved that the developer will dedicate the land to open space. Nor can such a contract be written

and enforced. The planning commission could recommend denial of any future zone change application until such time as the lot was dedicated for open space; however, the developer can build a single-family home on the fifth lot without permission from the planning commission

#### *Alta Hills #3 Subdivision*

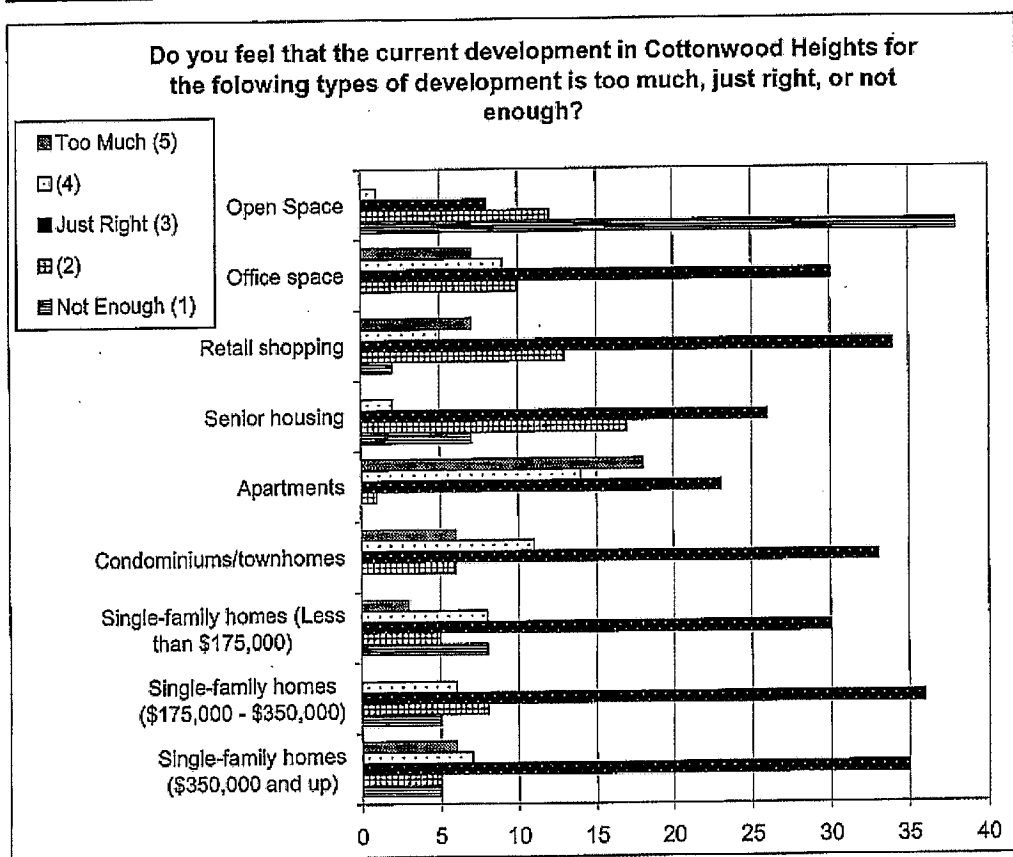
As mentioned, the five properties comprise what was recorded as the Alta Hills #3 subdivision. This subdivision was recorded in July 2001 with specific requirements. One such requirement was for the development of a private lane creating a single access point onto Wasatch Boulevard. This was a result of approval from the Utah Department of Transportation and its approval of access onto the state road. Amending the general plan will not change this requirement and a single access point will still be required as approved on the plat. Additionally, the developer would have to modify his approval for access onto Wasatch Drive with UDOT before he could increase the amount of trips per day accessing the street.

#### *General Plan*

The Cottonwood Heights general plan and the visioning process for its development took place less than four years prior to this application. In the visioning process and through feedback from Cottonwood Heights residents, a survey was taken with regard to land use inventory in the City. The general plan does not outline the need for additional medium density housing in the City.

The chart shown is from the Chapter 2 of the Cottonwood Heights general plan and illustrates the community's response to the land use inventory in Cottonwood Heights.

**Figure 2.4**



Community Survey responses show that residents are content with the availability of medium- and high-density housing, and have an interest in setting aside additional open space.



#### *Land Use in the General Area*

The land use designations in the general area of the subject property is predominantly low-density residential. There is a group of three duplexes across the street from the subject property that is zoned R-2-8. This designation, however, is most likely a result of the existing use and matching the existing land use to the correct zone. The general plan for those properties is low-density residential. Amending the general plan for a change from low-density residential to medium-density residential may create an isolated area where land use designations are not consistent with properties directly adjacent to or nearby the subject properties. While the change in land use designation may be beneficial to the property owner, it is up to the planning commission to determine if the change to the plan would be beneficial to the City. It is the opinion of staff that the change creates no tangible benefits for the City.

#### *Short-term Rentals*

One concern that was raised by several residents with regard to this application was the potential for short-term rentals. As per the short term rental ordinance, no new short-term rental properties are being licensed in Cottonwood Heights.

### **Recommendation**

Based on staff's observations, we recommend **denial** of the application in its present form. Staff sees no clear benefit to the City with the current application. It is not clear that the change in land use designation will create a buffer between incompatible uses, create additional public amenities, fulfill a need by the City in the form of medium-density housing, etc.

The argument of the developer is that single-family housing on these lots is not feasible in the current market. Yet we have seen applications for single-family developments on adjacent lots, which presumably are feasible. Staff has seen no reason to believe that single family housing is not feasible on this property. Additionally, single-family housing is not the only allowed use in the R-1-8 zone. Other options for development include: bed and breakfast; day care/pre-school; PUD; private parks and recreational grounds; public and quasi-public uses; radio and television towers; water pumping plants; wireless telecommunication towers; utility stations and lines; public schools. It seems that even if single-family dwellings are not feasible in the current market, there probably exist other viable options, under current zoning and land use designation.

If an option existed where the applicant could build attached single-family dwellings, such as town homes, without increasing the total density of the property (5 units over 1.49 acres), staff could argue that the developer's concerns could be met while the City's goals and objectives would not be compromised. To date, we have not been able to clearly point to a method that would allow for the developer to do what was just mentioned without leaving a door open by which an increase in density might be obtained.

## **Standards of Review for the Application**

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Zoning – R-1-8: Chapter 19.26

Zoning – R-2-8: Chapter 19.31

Amendments and Rezoning: Chapter 19.90

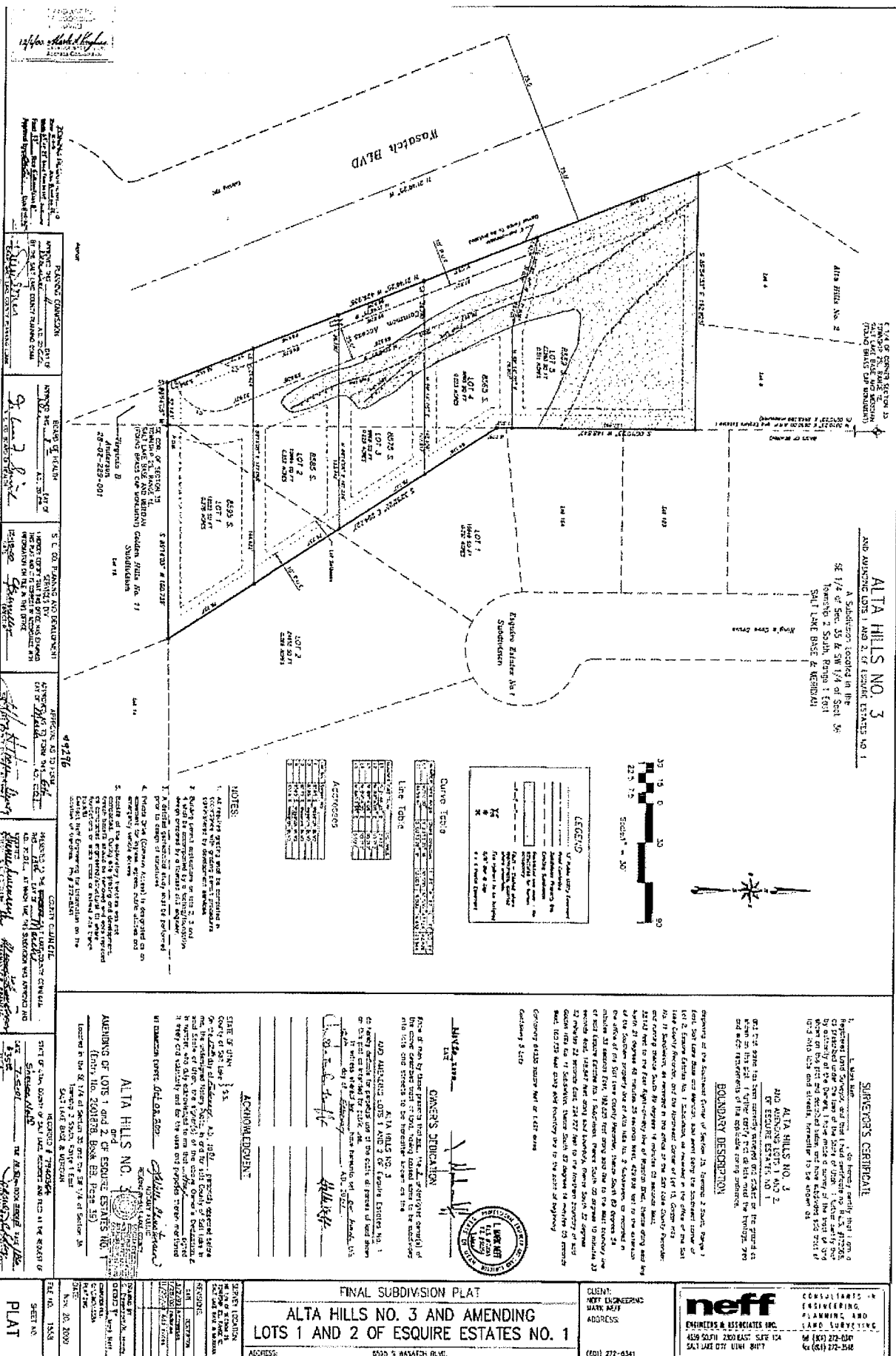
Cottonwood Heights General Plan Land Use Map

### **Staff Contact:**

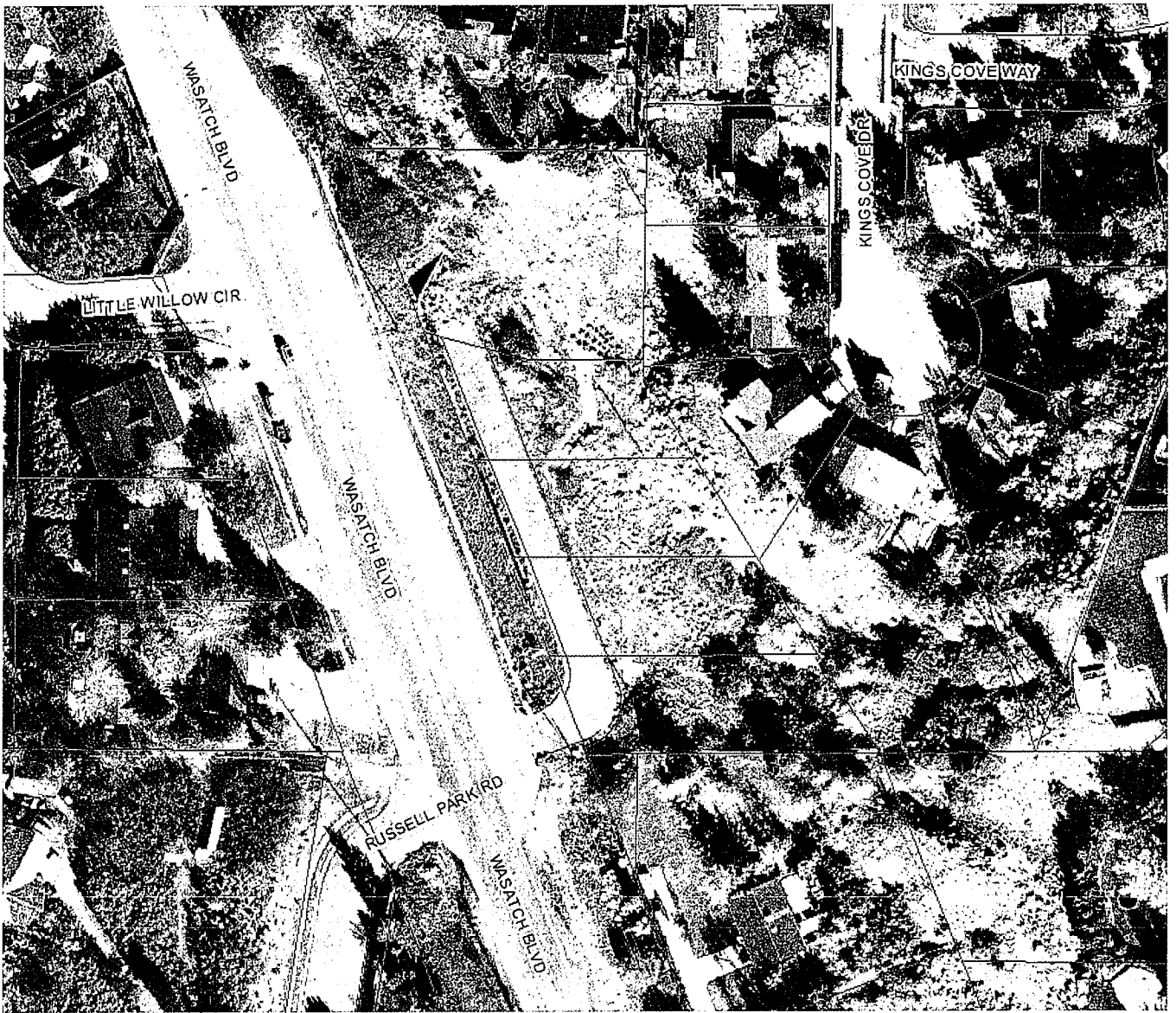
Greg Platt      Planner  
Telephone:    944-7067  
Fax:            545-4150  
Cell:           502-5004  
E-mail         gplatt@cottonwoodheights.utah.gov

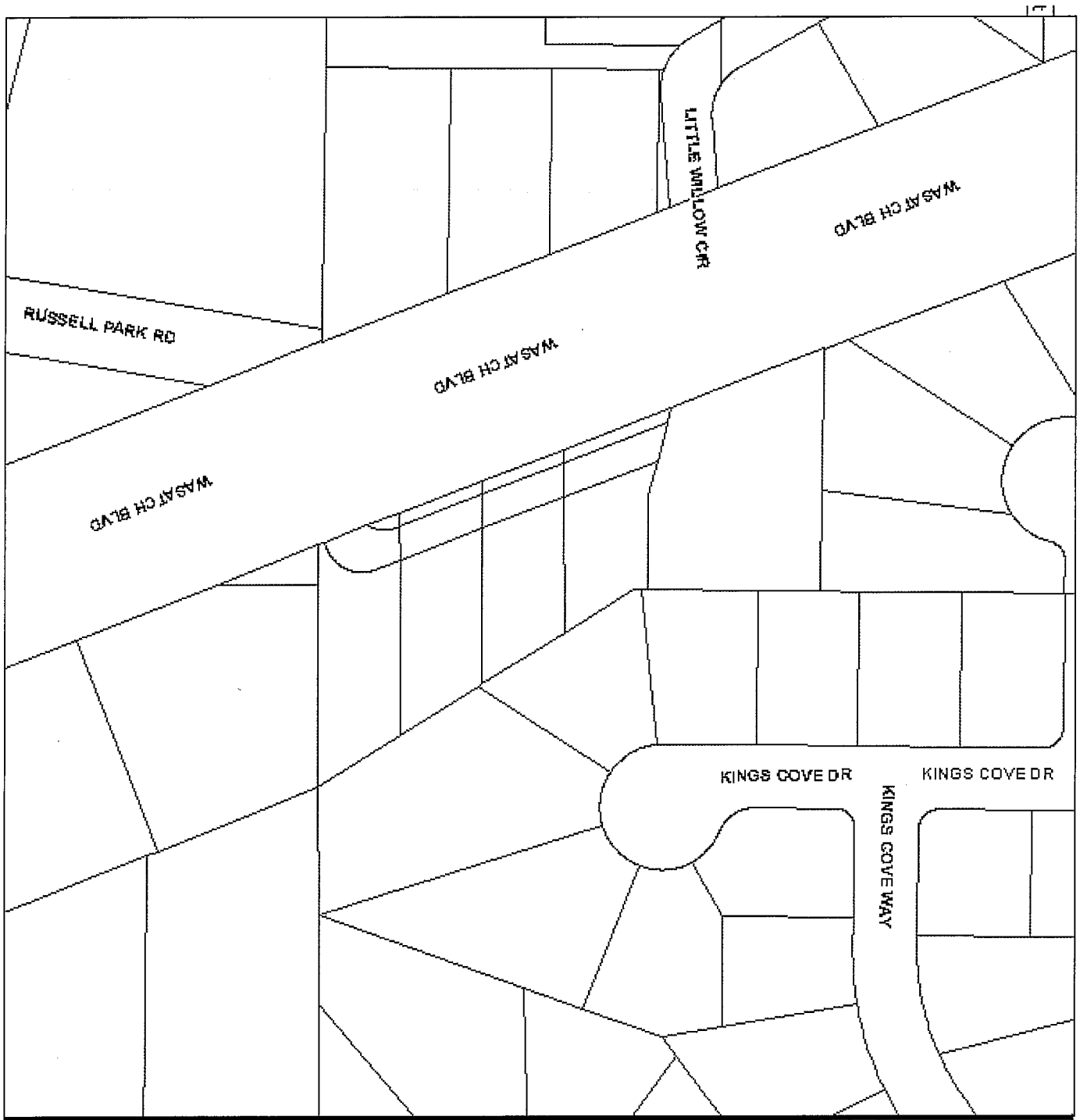
### **Attachments**

1. Plat
2. Concept plan
3. Aerial Photo
4. General plan map
5. Zoning map
6. Topographic map









Request for General Plan  
Amendment, Low Density  
Residential to Medium  
Density Residential

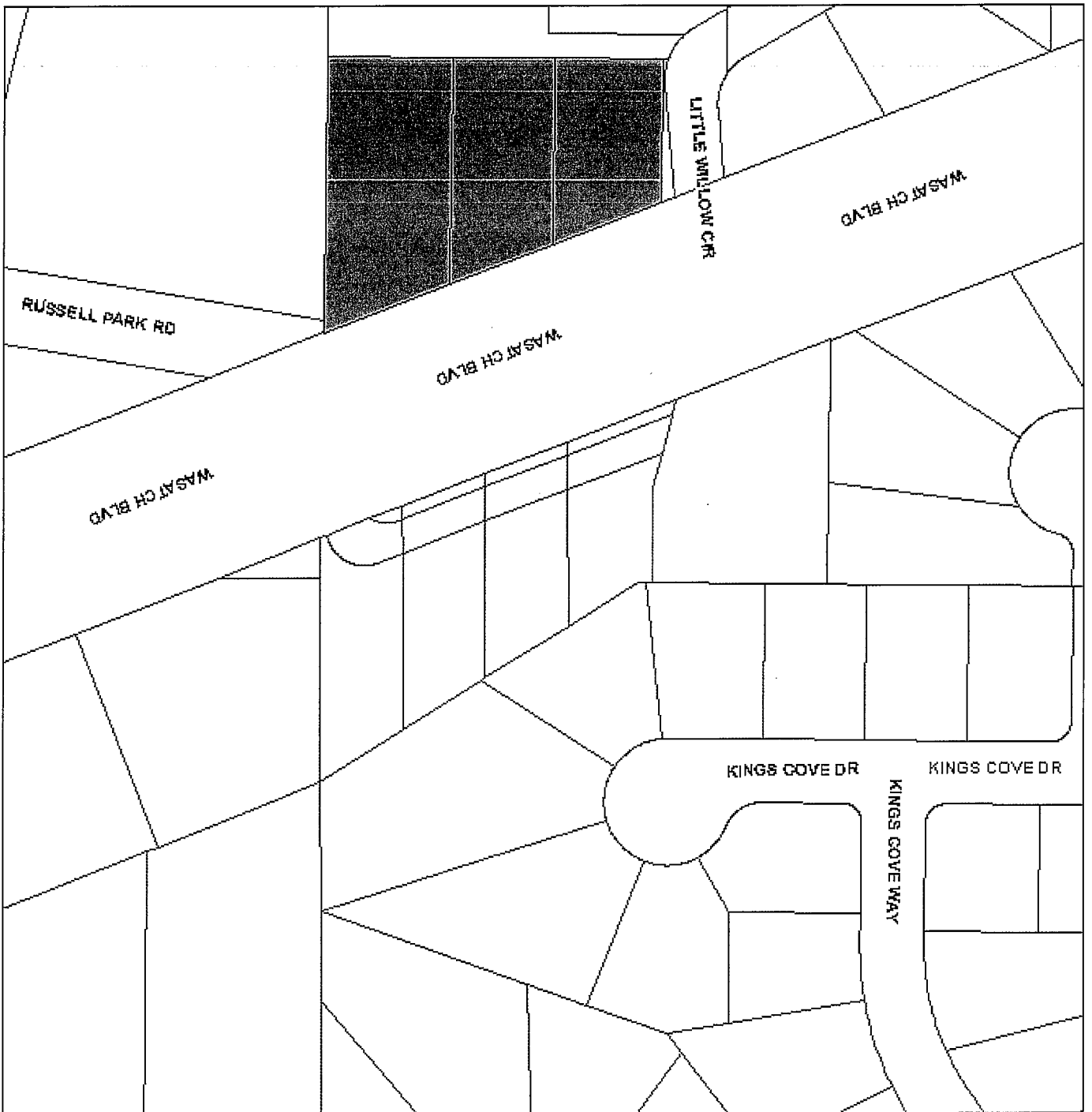
**General Plan**

- Office
- Religious
- Utility
- Office/R-D
- Residential Office
- Commercial
- Mixed Use
- Neighborhood Commercial
- Residential High Density
- Residential Med Density
- Residential Low Density
- Residential Rural Density
- Open Space
- Sensitive Lands

City of Cottonwood Heights  
Planning Department  
1265 E. Fort Union Blvd., #250  
Cottonwood Heights, UT 84047  
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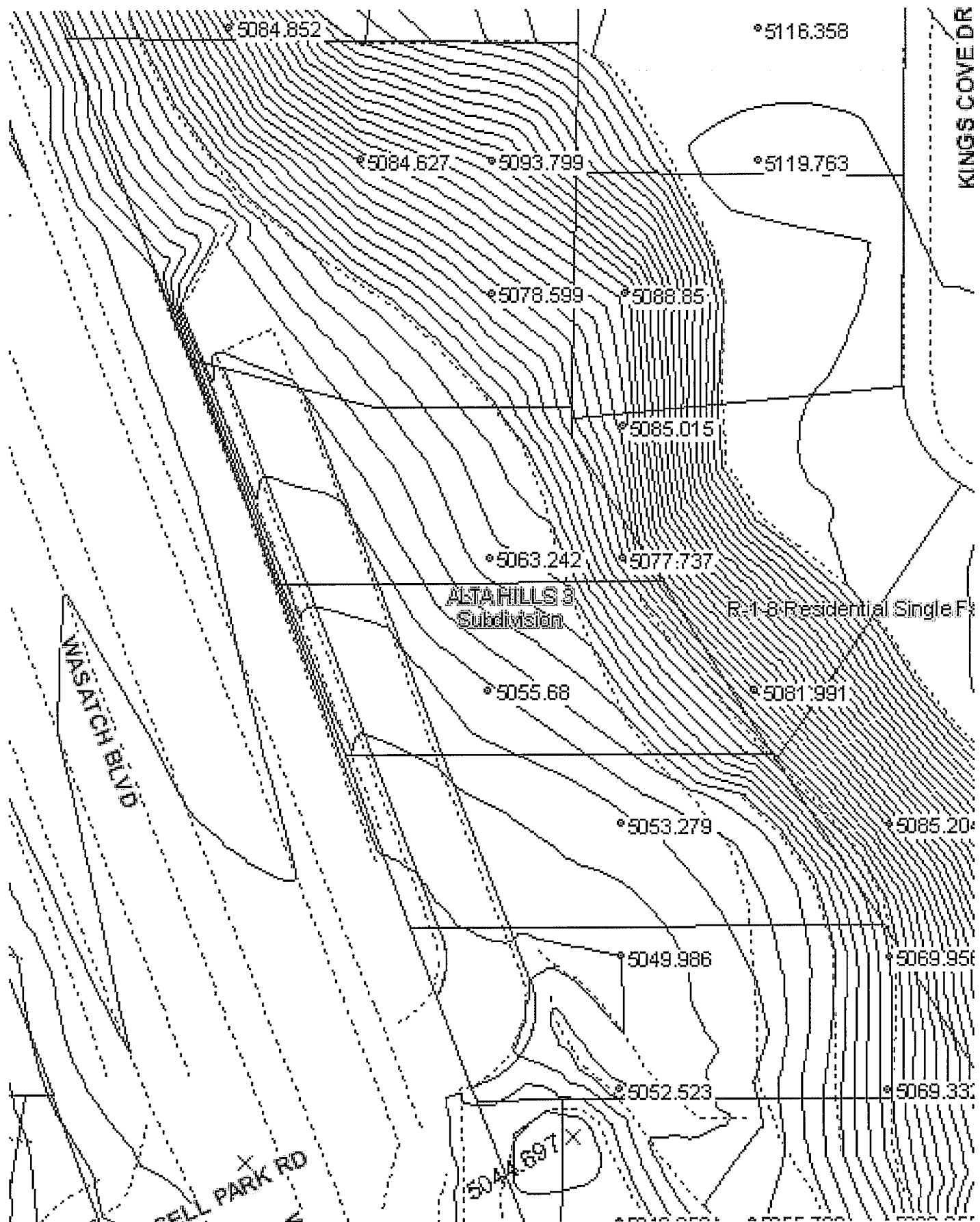
Request for General Plan  
Amendment, Low Density  
Residential to Medium  
Density Residential

Zoning	
	CR
	NC
	ORD
	RO
	PF
	RM
	RR-1-21
	RR-1-29
	F-20
	RR-1-43
	R-1-8
	R-1-6
	R-1-10
	R-1-15
	R-2-8
	F-1-21
	F-1-43

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## Item 3.2 Public Hearing - Amendments to Chapter 19.76 – Supplementary and Qualifying Regulations.

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The attached document, which you have reviewed previously, reflects the proposed changes to chapter 19.76 regarding supplementary and qualifying regulations. The changes and additions are underlined and the deletions are crossed through. If you would like a color coded copy of this document, please email me and I will send that over to you.

I will outline and discuss all of the changes in the meeting in the 3<sup>rd</sup> of September, 2008.

### **Staff Contact:**

Michael A. Black, AICP  
Planning Director  
Telephone: 545-4166  
Fax: 545-4150  
E-mail: [mblack@cottonwoodheights.utah.gov](mailto:mblack@cottonwoodheights.utah.gov)

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## **Chapter 19.76 SUPPLEMENTARY AND QUALIFYING RULES AND REGULATIONS**

### **Sections:**

#### **19.76.010 Effect of provisions.**

#### **19.76.020 Lots and lot area**

- A. Lots in separate ownership.
- B. Separately owned lots—Reduced yards.
- C. Division of a two-family dwelling.
- D. Sale of lots below minimum width and area.
- E. Sale of space needed to meet requirements.
- F. Yard space for one building only.
- G. Front yard measurement from map.

#### **19.76.030 Structures, bulk and massing requirements**

- A. Dwellings, including guest houses, ~~to be~~ on lots.
- B. Accessory buildings—Area of coverage.
- ~~C. Single family or two family dwelling—Standards.~~
- ~~D. C. Public use—Reduced lot area and yards.~~
- ~~E. D. Building Structure height – Vertical distance.~~
- E. Lot grade – measurement.
- F. Height limitations – Building less than one story.
- ~~F. Height limitations—Accessory buildings.~~
- ~~H. G. Height limitations—Exceptions.~~
- I. H. Additional height allowed when.
- I. Height measurement - Story
- J. Yard regulations.
- K. Demolition permits.
- L. Portable storage containers
- M. Construction Mitigation.
- N. Swimming pools.
- O. Temporary buildings.

#### **19.76.040 Land use**

- A. Occupancy permit.
- B. Uses not listed—Compatibility standards.
- C. Special events and temporary sales.
- D. Home day care/preschool, small.
- E. Home day care/preschool large.
- F. Home occupations.
- ~~G. Commercial renting of dwellings prohibited.~~
- ~~H. G. Residential facilities for the elderly.~~
- I. H. Storage of RVs, boats and travel trailers.
- ~~J. I. Car wash regulations.~~
- ~~K. J. Non-depository lending institutions.~~
- L. K. Permitted uses – approval standards

#### **19.76.050 Miscellaneous**

- A. Appeal of planning commission decision.
- B. Off-site improvements.
- C. Water and sewage facilities.
- ~~D. Animal and fowl restrictions.~~
- E. D. Intersecting streets and clear visibility.

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F.F. Fences.

G.F. Regulations regarding junk.

## **19.76.010 Effect of chapter provisions.**

The rules and regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title.

## **19.76.020 Lots and lot area.**

### **A. Lots in separate ownership.**

The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land, provided that such lot or parcel of land is located in a zone which permits single-family dwellings, and is a legally divided lot held in separate ownership at the time such requirements became effective for such lot or parcel of land.

### **B. Separately owned lots—Reduced yards.**

On any lot under a separate ownership from adjacent lots and of record at the time of passage of the ordinance codified herein, and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width; provided that, on interior lots, the smaller of the two yards shall be in no case less than five feet, or the larger less than eight feet; and for corner lots, the wide yard on the side street shall be in no case less than 15 feet or the other side yard be less than five feet.

### **C. Division of a two-family dwelling.**

Upon certification by the director, a legal, or legal non-conforming, -existing or proposed two-family dwelling may be divided into attached single-family dwellings by dividing the lot. Each dwelling shall have a minimum lot area equal to one-half of the minimum lot area required in the zone for a two-family dwelling, which in no case shall be less than 4,000 square feet, and must meet all building, fire, health, parking and other requirements for a single-family dwelling. An application for lot division certification must be accompanied by a site plan showing buildings, landscaping, parking, and any other information deemed necessary by the director. The director may attach conditions to certification consistent with the purpose of the zoning ordinance. Any sale (prior to certification herein) dividing a lot occupied by a two-family dwelling shall be a misdemeanor.

### **D. Sale of lots below minimum width and area.**

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a large parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the board of adjustment.

### **E. Sale of space needed to meet requirements.**

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.

### **F. Yard space for one building only.**

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot

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whereon a building is to be erected or established. This section shall be so construed to mean only one main building may be permitted on one lot, unless otherwise provided in this title.

## **G. Front yard measurement from map.**

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the city recorder, the depth of such front yard shall be measured from the mapped street line provided by the official map.

## **19.76.030 Structures, bulk and massing requirements.**

### **A. Dwellings, including guest homes, ~~to be on lots.~~**

1. Every dwelling shall be located and maintained on a lot, as defined in this title. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy ~~one a~~ lot.

2. Guest houses shall be a permitted use in the following zones:

- a. R-1-8; -10; and, -15
- b. RR-1-21; -29; and, -43
- c. F-1-21; and -43
- d. F-20

3. The guest house shall be a detached accessory use to a principal residence and shall be located in the rear yard of the principal lot.

4. The maximum allowed area of the guest house shall ~~25 percent of the area of the principal residence (exclusive of garages)~~ shall not exceed 25% of the area of the rear yard.

5. The floor area of the guest house and principal residence combined shall not exceed the maximum impervious surface coverage for the site.

6. The rental or lease of a guest house, or the use of a guest house as a permanent residence for a second family on the premises shall be prohibited.

7. Installation of separate utility meters for the guest house is prohibited.

8. All bulk and massing requirements for accessory buildings, as per the applicable zone, shall be applicable to the guest house.

### **B. Accessory buildings—Area of coverage.**

No accessory building or group of accessory buildings in any residential zone shall cover more than 25% of the rear yard.

### **~~C. Single family or two family dwelling—Standards.~~**

~~Any detached single family or two family dwelling located on an individual lot outside of a mobile home park or mobile home subdivision must meet the off street parking requirements in chapter 19.80, "Off Street Parking Requirements," and the following standards in addition to any others required by law except as provided in subsection I of this section:~~

~~A. The dwelling unit must meet the city's building code or, if it is a manufactured home, it must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and must have been issued an insignia and approved by the U.S. Department of Housing and Urban Development, and must not have been altered in violation of codes. A used manufactured home must be inspected by the city's building official or his designated representative prior to placement on a lot to insure it has not been altered in violation of such codes.~~

~~B. The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be filed with the Utah State Tax Commission pursuant to *Utah Code Ann. § 59-2-602*, as amended.~~

~~C. The dwelling must be permanently connected to and approved for all required utilities.~~

~~D. The dwelling must provide a minimum of 72 square feet (per dwelling unit) of enclosed~~

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storage, with a minimum height of six feet, located in the basement or garage area or in an accessory storage structure. Such structure shall conform to all applicable building codes.

~~— E. The dwelling must be attached to a site-built permanent foundation which meets the city's building code or, if the dwelling is a manufactured home, the installation must meet the ICBO Guidelines for Manufactured Housing Installations, including any successors to these standards, and the space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with such ICBO Guidelines, and constructed of materials that are weather-resistant and aesthetically consistent with concrete or masonry type foundation materials. At each exit door there must be a landing that is a minimum of 36 inches by 36 inches and that is constructed to meet the requirements of the city's building code. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation.~~

~~— F. At least 60% of the roof of the dwelling must be pitched at a minimum of two and one half to 12 (2.5:12) and shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, fiberglass or metal tiles or slate or built-up gravel materials.~~

~~— G. The dwelling shall have exterior siding material consisting of wood, masonry, concrete, stucco, masonite, or metal or vinyl lap, or any material meeting the city's building code or materials of like appearance approved by the director. The roof overhang must not be less than six inches, including rain gutters which may account for up to four inches of overhang, measured from the vertical side of the dwelling. The roof overhang requirement shall not apply to areas above porches, alcoves and other appendages which together do not exceed 25% of the length of the dwelling. The roof overhang may be reduced to two inches on the side of the dwelling facing the rear yard except on corner lots.~~

~~— H. The width of the dwelling shall be at least 20 feet at the narrowest part of its first story for a length of at least 20 feet exclusive of any garage area. The width shall be considered the lesser of the two primary dimensions. Factory-built or manufactured homes shall be multiple transportable sections at least ten feet wide unless transportable in three or more sections, in which case only one section need be ten feet.~~

~~— I. The director may approve deviations from one or more of the developmental or architectural standards provided in subsections E through H of this section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the director may be appealed to the board of adjustment.~~

~~— J. Replacement of an existing nonconforming manufactured home on a lot outside a mobile home park or mobile home subdivision shall comply with all requirements herein.~~

## **DC. Public use—reduced lot area and yards.**

~~The requirements of this title as to minimum lot area and minimum yards-yard requirements of this title may be reduced by the planning commission for a public use. The planning commission shall not authorize a reduction in the lot area or yard requirements if rule 19.76.030(IH) Additional Height is in use, or unless the evidence presented is such as to establish that the reduction will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.~~

## **ED. Structure height — Vertical measurement.**

A. Structure height shall be measured by taking the average vertical distance measured at the four corners of the main structure. This measurement shall be taken from the original natural grade of the lot to the highest point of the roof structure. In cases where the four corners of the structure are not explicitly clear, the city's building official and the director shall designate the four corners of the structure.

B. Structures may be stepped to accommodate the slope of the terrain provided that each step

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shall be at least 12 feet in horizontal dimension. The height of each stepped segment shall be measured as required in subsection (A).

C. Original ground surface shall be the elevation of the ground surface in its natural state before any manmade alterations such as, without limitation, grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the director using the best information available.

## **E. Lot grade – measurement.**

The percent grade of a lot shall be derived by determining the percent increase or decrease in elevation using the area of the proposed structure footprint and the front yard.

## **F. Height limitations—Buildings less than one story.**

No building shall be erected to a height less than one story above grade.

## **G. Height limitations—Accessory buildings.**

~~—No building which is accessory to a one family, two family, three family or four family dwelling shall contain more than one story or exceed 20 feet in height, subject to more restrictive regulations in this title.~~

## **HG. Height limitations—Exceptions.**

In the ORD, CR, MU, NC, RO and PF zones, Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building may be erected above the height limits prescribed in this title when approved by the planning commission, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

## **IH. Additional height allowed when.**

Public or semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding 40 feet if the building is set back from each otherwise established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

## **I. Story, first**

The lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than 50 percent of the total perimeter, or not more than eight feet below grade at any point.

## **IJ. Yard requirements**

“Yard” means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:

A. Fences;

B. ~~Canopies allowed under subsection 19.80.120(B);~~ not to include temporary or permanent carports.

C. Accessory buildings in a rear yard including temporary or permanent carports;

D. The ordinary projections of windows where the projection is at least 18 inches above floor level, roofs, cornices, chimneys, flues, and other ornamental features which project into a yard not more than three (3) feet;

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E. Open or lattice-enclosed exterior stairways, located in a commercial or manufacturing zone, projecting into a yard not more than five feet; and

F. Structures less than 18 inches in height from the finished ground surface.

## **JK. Demolition permits.**

A. An approved site plan is required before a commercial building can be approved for demolition.

B. The following items must be submitted to obtain a demolition permit:

a.1. An asbestos inspection from an approved asbestos inspector.

b.2. A completed and approved "Pre-demolition Building Inspection Form" from Salt Lake Valley Health Department.

c.3. Approval for demolition from the Utah Division of Air Quality.

4. A letter or email, from all service providers to the property or structure, indicating that all utilities have been terminated.

5. A completed ~~cottonwood-heights~~city building permit application.

## **KL. Portable storage containers.**

A. In all municipal, residential, commercial, office or mixed-use zone, portable storage containers are permitted only in accordance with the following:

1. As a temporary use, not to exceed 180 days, during the construction, remodeling or redevelopment of a permanent on site structure with a valid building permit.

2. In no case shall a lot contain more than one of such portable storage containers, nor shall any portable storage container be located in required landscape areas, front yard area, required open space, detention basins, drive aisles, fire lanes, required parking spaces, loading zones or any other location that may cause a threat to public safety, or create a condition detrimental to surrounding land uses and property owners.

3. For commercial, office and mixed-use zones a temporary site plan must be submitted for review by the department. Approval of more than one portable storage containers may be approved by staff if the DRC finds that the addition will not jeopardize the public health, safety or welfare or create a nuisance. In addition, the temporary use of portable storage containers shall not violate a conditional use approval.

## **M. Construction Mitigation Plan.**

A. Prior to commencement of construction, a written construction mitigation plan addressing the following elements must be approved by the director or his designee. The construction mitigation plan shall address the following elements: (Please note: all elements may not apply to each individual project. There may also be additional elements, unique to the project that involve public health and safety issues.)

1. Hours of Operation. The hours of operation are 7AM to 8PM, Monday thru Saturday, and 9AM to 6PM on Sunday.

2. Parking. Construction vehicle parking shall be restricted at construction sites so as to not block reasonable public and safety vehicle access along the street and sidewalks. Within paid and permit only areas, an approved parking plan must be obtained from the Public Works Department.

3. Deliveries. Deliveries of construction all materials and supplies may be regulated as to time (hours of operation) and routing.

4. Stockpiling & Staging. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on site may be required.

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5. Construction Phasing. Due to narrow streets, topography, small lot configuration, traffic circulation, weather, construction parking and material staging problems, some projects may be required to be phased. In cases where phasing is deemed necessary, the first project to receive a building permit shall have priority, however, the Building Official shall have authority to phase projects as necessary to assure efficient, timely and safe construction.

6. Trash Management and Recycling of Materials. Construction sites shall provide adequate storage and a program for trash removal. Construction material recycling bins are encouraged on sites with adequate room for separation of materials.

7. Control of Dust & Mud. A program for the control dust or other airborne debris shall be required. Provisions must be made to prevent the tracking of mud on streets and it will be required to remove any such mud daily. Placing gravel in the egress and ingress areas to a job site is one method to control mud and dust problems.

8. Noise. Any noise above 65 decibels violates the noise ordinance, as well as any excessive or unusually loud noise that is plainly audible beyond the property line or outside the hours of operation.

9. Grading and Excavation. Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of dirt shall be addressed. Excavation 6 feet (1.8 m) or more in depth shall be protected from falling hazards by guardrail roofs, systems, fences, or barricades.

10. Temporary Lighting. An approved temporary lighting plan must be obtained from the Planning Department if any exterior temporary lighting is necessary for construction.

11. Construction Sign. A sign shall be posted in a location where the sign is readable from the street or driveway. The sign shall not exceed 12 square feet in size and 6 feet in height. The lettering shall not exceed 4 inches in height. Information on the sign shall include:

- a. Name, address and phone number of the contractor
- b. Name, address and phone number of the person responsible for the project
- c. Name and phone number of the party to call in case of an emergency

## N. Private Swimming Pools

### A. Definition.

1. In this title "private swimming pool" means any pool, tank, depression or excavation in or above ground, or other structure which shall cause retaining of water over a depth than eighteen (18) inches and/or having a larger plane surface of water greater than one hundred fifty (150) square feet and which shall be designed or used for swimming, wading or immersion purposes by individuals, used or intended to be used solely by the owner, lessee or tenant thereof and his family and by friends invited to use it without payment of any fees.

### B. Permit.

1. It shall be unlawful for any person to construct, alter or repair a private swimming pool within the city without first having secured a permit from the building official. An application for this permit shall be made on such forms as may be furnished by the city, and shall be accompanied by complete plans and specifications for the pool, including the type and location thereof with respect to the boundary lines of the land of the applicant. The applicant shall pay the fees established for such permit.

2. The building official may revoke any permit for failure to comply with this article.

3. Before a permit is revoked, the private swimming pool owner shall have notice in writing listing and describing the instances of failure to comply with this article. The permit shall be reissued upon proper application and upon presentation that the deficiencies causing revocation have been corrected.

### C. Compliance.



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1. It is unlawful for any person to own or maintain a private swimming pool that does not comply with this article.

## D. Setback requirements; location generally; drainage generally.

1. Private swimming pools for which a permit is required under this article shall not be located within three (3) feet of any side or rear lot line nor within six (6) feet of any principal structure or frost footing. Pools shall not be located closer than ten (10) feet to any portion of a private sewage system. Pools shall not be located within any required front yard or established easements. Private swimming pools shall be drained to the street storm sewer by permission of the Cottonwood Improvement District only. Private swimming pools shall not be drained to the city's storm drain.

## E. Fences.

1. All private swimming pools, including above ground pools, shall be completely surrounded by a fence or wall not less than six (6) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in vertical or horizontal direction, except for doors and gates. The fence shall be of a type not readily climbed by children. A dwelling or accessory building may be used as part of such enclosure.

2. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use and shall be provided with hardware for permanent locking devices, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Pool gates shall be locked when the pool is not in use.

3. When it is necessary to fill the pool prior to the installation of the required fencing, a temporary fence (such as a construction fence) may be installed in a substantial manner; with the approval of the building official. The maximum time allowed for a temporary fence shall be thirty (30) days.

4. Fences must comply with fence ordinances Chapter 19.76.050.(E.).

## F. Outdoor pool enclosures.

1. Outdoor pool enclosures, permanent or inflated pool enclosures shall be constructed in accordance with the IBC. Enclosures shall be of a neutral color and designed to blend with the existing surroundings. The enclosure shall not exceed in height, the principal structure on the property nor shall the enclosure be taller than the existing accessory building height limitations in the applicable zone.

## G. Above-ground pools.

1. In this code, above-ground pools and below grade pools shall be considered the same with regard to all requirements of this article.

## H. Pool covers.

1. Pool covers, whether they can be locked or not, do not alone meet public safety requirements if the cover is of the type that can collect and hold natural water. The chief building official of the city shall have the authority to determine whether a pool cover can meet the safety requirements allowing a waiver of fencing requirements.

## I. Shielding lights.

1. Lights used to illuminate any private swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises.

## J. Life-saving and emergency equipment.

1. All private swimming pools shall have:

(a) Life-saving equipment consisting of at least:

i. One (1) ring buoy not more than fifteen (15) inches in diameter to which is attached a rope three-sixteenths-inch in diameter and of a length at least equal to the greatest dimension of the swimming pool.

ii. One (1) life pole, or shepherd's crook type of pole, at least ten (10) feet long and having blunted ends, shall be provided.

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(b) Emergency flood lighting that is electrically connected to a different circuit than used by the pool.

2. The emergency equipment shall be used for emergency purposes only.

K. Polluted water.

1. No body of water, whether it be a natural or an artificial body of water in the city, which contains sewage, waste, or other contaminating or polluting ingredients rendering the water hazardous to health shall be used for swimming or bathing by any person or persons.

(b) Water shall not be allowed to remain in any unused or abandoned pool.

L. Chemical storage.

1. The storage of chemicals shall meet the requirements of the *Uniform Fire Code*.

M. Unnecessary noise.

1. It shall be unlawful for any person to make, continue or cause to be made or continue at any private swimming pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of a swimming pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the swimming pool premises shall be unlawful.

O. Temporary buildings.

A. Temporary buildings for uses incidental to construction work shall be require to obtain a permit from the CBO.

B. Temporary buildings must be removed upon completion or abandonment of the construction work.

C. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the city at the expense of the owner

### 19.76.040 Land use

**A. Occupancy permit.**

A1. Land, buildings and premises in any zone shall hereafter be used only for the purpose listed in this title as permitted or conditional in that zone, and in accordance with the regulations established in this title in that zone.

B2. The permit of occupancy shall be issued by the director to the effect that the use and/or building or premises conforms to the provisions of this title and related ordinances prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used, except for permitted agricultural uses.

C3. Such a permit shall also be issued whenever the character or use of any building or land is proposed to be changed from one use to another use.

D4. Upon written request from the owner, such a permit shall also be issued covering any lawful use of a building or premises existing on the effective date of the amendment codified herein, including nonconforming buildings and uses.

**B. Uses not listed—Compatibility standards.**

It is recognized that new types of land uses may develop and various forms of land uses not anticipated may seek to locate in the city. The provisions of this section shall provide a mechanism to classify land uses not listed in this title. Determination as to the classification of uses not specifically listed in this title shall be made as follows:

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A. Written request. A written request for such a determination concerning an unlisted and not ~~un~~codified proposed land use shall be filed with the director. The request shall include a detailed description of the proposed use and such other information as the director may require.

B. Investigation. The director thereupon shall make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title, and to make a determination of its classification, using the following compatibility standards:

1. Volume and type of sales, ~~retail~~retail, wholesale; size and type of items sold and nature of inventory on the premises;

2. Any processing done on the premises; assembly, manufacturing, smelting, warehousing shipping and distribution; and dangerous, hazardous, toxic or explosive materials used in processing;

3. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored. business vehicles, work in process, inventory and merchandise, construction materials, scrap and junk, and bulk materials, ores, powders and liquids;

4. Number and density of employees and customers, per unit area of site and buildings in relation to business hours and employment shifts;

5. Business hours the use is in operation or open for business, ranging from seven days a week, 24 hours a day to once to several times a year, such as sports stadiums or fairgrounds;

6. Transportation requirements, including modal split for people and freight, by volume, type and characteristics of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site;

7. Parking characteristics, turn over and generation, ration of the number of spaces required per unit area or activity, and potential for shared paring with other uses.

8. Predilection of attracting or repelling criminal activities to, form or other premises;

9. Amount and nature of nuisances generated on the premises noise, smoke, odor, glare, vibration radiation, and fumes; and

10. Any special public utility requirements for serving the use water supply, waste water output, pre-treatment of wastes and emissions recommended or required, and any significant power structures and communication towers or facilities.

C. Director's Recommendation. The director's recommendation concerning the proposed use shall be rendered in writing to the planning commission within 30 days unless an extension is granted by the planning commission. The director's recommendation shall state the zone classification in which the proposed use should be permitted as well as the findings which established that such use is of the same character and intensity of uses permitted in that zone classification.

D. Planning Commission Determination; Appeal. Upon receipt of the director's recommendation, the planning commission shall review such recommendation and either approve it as submitted, approve it with modifications, or reject it. The planning commission's decision may be appealed to the city council within 30 days after the date of such decision.

E. Effect of Determination. A use approved for a zoning district based on the foregoing compatibility standards shall thereafter become a permitted or conditional use (as designated by the planning commission) for that zoning district, and shall have the same status as a permitted or conditional use, as applicable, specifically named in the regulations for the zone classification in question.

### **C. Special events and temporary sales.**

A. The director may issue a temporary use permit for a temporary sale, special events, or other amusement enterprise of a similar nature, transient in nature, or Christmas tree sales, providing he shall find that the use will not conflict with the uses in the neighborhood and/or zoning of the

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subject property. To determine the compatibility of uses, the director may call a public hearing. Request for such permit shall be submitted in writing. Special event permits shall be limited to one per property at any one location for any one time.

B. In issuing a permit, the director may:

1. Stipulate the length of time the permit may remain valid;
2. Stipulate the hours of operation of the use; and
3. Stipulate other regulations which are necessary for the public welfare.

## **D. Home day care preschool, small.**

“Home day care/preschool, small” means the keeping for care and/or preschool instruction of six or ~~less-fewer~~ children including the caregiver’s own children under the age of six and under and not yet in full day school within an occupied dwelling and yard. A home day care/preschool, small is exempt from the home occupation requirements of this code, but must meet all of the following standards:

A. There may be a maximum of six children on premises at any time, including the caregiver’s own children under the age of six and not yet in full day school.

B. There shall be no employees that do not reside in the dwelling.

C. The home day care/preschool, small caregiver shall comply with all applicable licensing requirements under title 5 of this code.

D. The use shall comply with all applicable noise regulations.

E. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.

F. The lot shall contain one available on-site parking space not required for use of the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.

G. No signs shall be allowed on the dwelling or lot except a nameplate sign.

H. The use shall comply with all local, state and federal laws and regulations.

I. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool, or small caregiver, the city shall review the complaint and, if substantiated, may institute a license revocation proceeding under title 5 of this code.

J. All property owners within a 500 foot radius of the caregiver’s property shall be mailed notice concerning the licensing of a home day care/preschool, small, at such property; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such license, and no such license shall be deemed invalid or illegal because of any failure to mail any such notice.

## **E. Home day care/preschool.**

“Home day care/preschool” means the keeping for care and/or preschool instruction of 12 or fewer children including the caregiver’s own children ~~under the age of six~~ age six or under and not yet in full day school within an occupied dwelling and yard. A home day care/preschool may be approved by the planning commission if it meets all of the following standards:

A. There may be a maximum of 12 children on premises at any time, including the caregiver’s own children under the age of six and not yet in full day school.

B. There shall be no more than one employee present at any one time who does not reside in the dwelling.

C. The home day care/preschool caregiver shall comply with all applicable licensing requirements under title 5 of this code.

D. The use shall comply with all applicable noise regulations.

E. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.

F. The lot shall contain one available on-site parking space not required for use of the

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dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.

G. No signs shall be allowed on the dwelling or lot except a nameplate sign.

H. The use shall comply with all local, state and federal laws and regulations.

I. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool caregiver, the city shall review the complaint and, if substantiated, may (1) set a hearing before the planning commission to revoke any conditional use permit, and/or (2) institute a license revocation proceeding under title 5 of this code.

J. All property owners within a 500 foot radius of the caregiver's property shall be mailed notice of any hearing to grant or revoke any conditional use permit at least ten days prior to the date of the hearing; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such hearing, and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail any such notice.

### **F. Home occupations**

A. "Home occupation" means, (unless otherwise provided) any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.

B. The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproduction of works of art" includes, but is not limited to printed reproduction, casting, and sound recordings.

C. The home occupation shall not involve the use of any accessory building, ~~or yard space or activity outside the main building~~ if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.

D. The director shall determine whether additional parking, in addition to the two spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces.

E. The director will review all home occupations for compliance with the above items. If the proposed home occupation cannot meet any one of the above items, the director shall not approve the home occupation.

~~G. Commercial renting of dwellings prohibited.~~

~~— It shall be deemed a commercial use and unlawful to rent or lease any dwelling or portion thereof located within any forestry, residential, agricultural rural residential or foothill agricultural zones for accommodation purposes or occupancy by different individuals for a period less than 30 consecutive days except as specifically permitted by this title.~~

### **HG. Residential facility for elderly persons.**

A. "Residential facility for elderly persons" means a single-family or multiple-family dwelling unit that is occupied 24 hours a day in a family-type arrangement by eight or fewer elderly persons 60 years old or older capable of living independently.

B. Such facility shall be owned by one of the residents or by an immediate family member of one of the residents or the title has been placed in trust for a resident.

C. Placement in such facility is on a voluntary basis and may not be a part of, or in lieu of,

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confinement, rehabilitation, or treatment in a correctional institution.

D. No person being treated for alcoholism or drug abuse may be placed in such a facility.

E. The structure shall be capable of use without the residential character being changed by exterior structural or landscaping alterations.

F. Each facility shall not be located within three-quarters of a mile of another residential facility for elderly persons or residential facility for handicapped persons.

G. This use is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

## **I. Storage of RVs, boats and travel trailers.**

~~—All RVs, boats and travel trailers which exceed eight feet in length shall only be stored in a side yard or rear yard, and shall also be subject to other regulations of this code.~~

## **JH. Car wash regulations**

A. Applicability and general purposes. Construction and operation of a car wash is subject to prior conditional use approval by the planning commission. The regulations in this section are intended to allow reasonable opportunities for car washes in the city, while (1) reducing noise and adverse visual impacts on abutting uses, particularly residential uses; (2) ensuring adequate drainage; (3) promoting safer and more efficient on-site vehicular circulation; (4) promoting an aesthetically pleasing environment for car washes; and (5) assuring that car washes are located so that they are not the dominant land use in the city's primary commercial or gateway corridors.

### B. Location and site.

1. The lot proposed for a car wash shall be located in a zone that specifically allows a car wash as a conditional use or a permitted use.

2. The lot proposed for a car wash shall contain at least 10,000 square feet.

3. The lot proposed for a car wash shall front on, and have direct access to, an arterial or collector street (as designated by the city).

4. The ingress or egress points of a car wash, or any driveway thereon, shall not be located so to impede the safe operation of any intersection, as determined by the city.

5. No car wash shall be located on a corner lot.

### C. Additional requirements.

#### 1. General.

(a) Any trash or service area of a car wash shall be fully screened from other properties and public streets.

(b) To the extent practicable, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned or used property.

#### 2. Access, circulation and on-site parking.

(a) Access points and driveways shall be planned and shared between properties to the greatest extent possible.

(b) Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access shall be provided from the perimeter of the property to the car wash. Sidewalks in front of, or directly adjacent to, a car wash shall be at least four (4) feet wide.

(c) The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.

(d) The planning commission shall specify the distance between any two curb cuts used for entrances or exits to a car wash on a case-by-case basis, provided that such distance shall not be less than thirty-five (35) feet.

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(e) If accessory vacuuming facilities are provided, a minimum of one parking space shall be provided for each vehicle capable of being serviced at any one time at such vacuum facility. Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives.

(f) In addition to parking requirements for employees and wash bays set forth in chapter 19.80, each wash bay of a car wash shall have the following vehicle stacking capacity for vehicles waiting to be serviced: (i) three (3) stacking spaces for each bay in a self-service car wash; and (ii) six (6) stacking spaces for each in-bay automatic or conveyor car wash.

### 3. Building and equipment setbacks.

(a) A car wash shall be set back a minimum of twenty-five (25) feet from the front property line.

(b) Accessory equipment, such as vacuum facilities, shall be set back a minimum of twenty (20) feet from any adjacent street.

(c) Car washes shall meet the side and rear setbacks required by the underlying zone.

### 4. Architectural design.

(a) A car wash shall maintain a consistent style and architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design.

(b) 360 degree architectural treatment is required. Building design must incorporate variations in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls.

(c) Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent or metallic accent colors shall be used in limited application such as in signage.

(d) All car wash apparatus shall be enclosed or screened from adjacent streets and properties by means of an effective screening device of a height appropriate to its screening function. Screening may include: solid decorative brick walls, wood fences, earth berms, tight evergreen hedges which shall reach the necessary height within two (2) years of planting, or a suitable combination of the above.

5. Site furniture. Site furniture (such as bicycle racks, trash receptacles, and benches) is required to be incorporated in the design of a car wash, as specified by the city through the conditional use process. The style of the site furniture must complement the overall design of the principal building and be of high quality.

6. All structures within the development shall be designed, constructed and permanently maintained in a planned, integrated, compatible and coordinated manner using the same or substantially identical:

- (a) Exterior building materials and colors;
- (b) Architectural features and style; and
- (c) Lighting and lighting fixtures.

7. Lighting Requirements. In addition to general lighting requirements specified in chapters 19.76 and 19.80 of this code, the following specific lighting requirements shall apply to car washes:

(a) Lighting of car washes shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business.

(b) Full cut-off lighting is required.

(c) Site lighting photometric plans are required.

(d) The following lighting is prohibited on car wash sites: (i) exposed strip lighting used to illuminate building facades or outline buildings; (ii) neon tubing; and (iii) blinking or flashing lights.

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8. Landscaping requirements. All landscaping shall comply with the landscaping requirements of the underlying zoning and the conditional use approval for the car wash.

D. Operational requirements. The following operational requirements apply to all car washes:

1. Water recycling.

(a) All car washes shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water being used by such car wash.

(b) Any applicant for a car wash shall submit site plan for review to the applicable water and wastewater provider(s) to insure appropriate and safe provision, use and discharge of water, and shall provide the city with evidence of its submittal to and response/approval by the applicable water and wastewater providers.

2. Hours of operation. Car washes shall not be open for business or otherwise in operation during the nighttime and early morning hours of 10:00 p.m. and 7:00 a.m. the following day.

### **K. Non-depository institutions**

Non-depository institutions are permitted as a conditional use within the Regional Commercial (CR) zone, subject to the following restrictions:

A. A non-depository institution shall not be located within one (1) mile of any other non-depository institution inside the city's geographical boundaries. The distance shall be measured from the exterior walls of the building (or portions thereof) in which the non-depository institution is located or proposed to be located, and shall be measured as a straight and direct line distance from said point.

B. In addition to the geographical restriction under subsection 19.76.370(A) above, the total number of non-depository institutions located within the city's geographical boundaries shall not exceed one (1) non-depository institution per ten thousand (10,000) residents of the city. A portion or fraction resulting from such a calculation that does not equal a whole number shall not increase, through "rounding" or otherwise, the total number of non-depository institutions possible under this section. For example, if the city's population was 39,999, then a maximum of three (3) non-depository institutions would be possible in the city, and a fourth (4<sup>th</sup>) non-depository institution would not be possible until the city's population was 40,000 or more. For purposes of such calculation, the city's population shall be determined by the figures provided by the United States Census Bureau's most recent annual estimate.

C. All non-depository institutions are subject to all applicable architectural, design, aesthetic and other regulations of all applicable zones, overlay zones, and other requirements of this title. In addition, all non-depository institutions are subject to the following supplemental regulations:

1. The color of the building housing the non-depository institution shall be restricted to earth tones or shall match the city-approved design theme of the development of which it is a part.

2. At least twenty-five percent (25%) of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level.

3. The use of bars, chains, or similar security devices that are visible from a public street or sidewalk is prohibited.

4. The use of neon lighting shall be prohibited on the building exterior.

5. All signage associated with any non-depository institution shall conform to the requirements of chapter 19.82 of this title.

### **L. Permitted use, approval standards.**



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## 19.76.050 Miscellaneous

### **A. Appeal of planning commission decision.**

1. Any person aggrieved by a decision of the planning commission regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the board of adjustment, whose decision shall then be final. All appeals to the board of adjustment must be in writing and filed with the department within 30 days after the date of the decision appealed from. The decision of the board of adjustment may be appealed to the District Court, provided that such appeal is filed with the District Court, with a copy to the director, within 30 days after the decision of the board of adjustment.

2. For more information regarding planning commission decisions, please see chapter 19.84 of this title.

~~—Any person shall have the right to appeal a decision of the planning commission. Appeals shall be made to the board of adjustment unless a right of appeal to the city council is specifically granted in this title.~~

### **B. Intersecting streets and clear visibility.**

In all zones, no obstruction to view in excess of three feet in height shall be placed on any corner lot within a triangular area formed by public or private street property lines and a line connecting them at points 30 feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.

### **C. Off-site improvements.**

A. Off-site Improvements Required. The applicant for a building or conditional use permit for all dwellings, commercial or industrial uses, and all other business and public and quasi-public uses shall provide curb, gutter, ~~and sidewalk~~ and asphalt along the entire property line which abuts any public road or street in cases where it does not exist at city standards. Vehicular entrances to the property shall be provided as allowed in the this code. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the agency concerned.

#### **B. Fee in Lieu of Improvements.**

1. Where conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk, the planning commission may require the applicant to pay to the city a fee equal to the estimated cost of such improvements, as determined by the director. Upon payment of such fee by the developer, the city shall assume the responsibility for future installation of such improvements.

2. The fees shall be placed in a special account, and shall credit to such account a proportioned share of interest earned from investment of city monies. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties, and money transfer requests shall be the responsibility of the department.

#### ~~—C. Exceptions:~~

~~—1. The planning commission may grant exception to installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare.~~

~~—2. The planning commission may grant exception to installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare are preserved.~~

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## **D. Water and sewage facilities.**

In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a sewer, as defined in the health department regulations, is not available within \_\_\_\_\_ feet of property where the building or use is proposed, and all cases where a proposed supply of piped water under pressure is not available within \_\_\_\_\_ feet of property where the building or use is proposed, the alternative sewage disposal and the domestic water supply shall comply with requirements of the health department, and the application for a building permit shall be accompanied by a certificate of approval from the health department.

## **E. Fences.**

D. No fence, wall or hedge shall be erected to a height which exceeds four feet in the front yard and six feet in the side yards and/or rear yard. Fencing to a maximum height of eight feet may be allowed for side and/or rear yards as a conditional use upon a clear and convincing showing by the property owner:

1. of unique or special circumstances of a material, adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence, and

2. that erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.

E. Chain link fences. Except in private home applications, chain link fences, which are not vinyl coated, shall not be allowed.

## **~~E. Animal and fowl restrictions.~~**

~~—No animals or fowl shall be kept or maintained closer than 40 feet from any dwelling on an adjacent parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than 40 feet from any street.~~

## **F. Regulations regarding junk.**

A. "Junk" means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires and waste, or other articles or materials commonly designated as junk. Junk, except as provided in subsections (B) or (C), shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of 60 days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.

B. One truck with a capacity of one ton or less or automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property for a period not to exceed one year if it is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; or

C. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property for a period not to exceed one year provided:

1. The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal;

2. The automobile or truck shall not be visible from any public street; and

3. The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.

D. All existing legal nonconforming motor vehicles as of the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

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## **G. Fences.**

~~No fence, wall or hedge shall be erected to a height which exceeds four feet in the front yard and six feet in the side yards and/or rear yard. Fencing to a maximum height of eight feet may be allowed for side and/or rear yards as a conditional use upon a clear and convincing showing by the property owner (a) of unique or special circumstances of a material, adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence, and (b) that erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.~~

## **19.76.320 — Short term rentals**

~~A. "Short term rental" means any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 consecutive days.~~

~~B. A short term rental shall not contain more than four bedrooms.~~

~~C. A short term rental shall be maintained to the following minimum standards:~~

~~1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood; and~~

~~2. Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights of way; and~~

~~3. Snow shall be removed from sidewalks and driveways within one hour after the snow has ceased falling, provided that in case of a storm between the hours of 5:00 p.m. and 6:00 a.m., the sidewalk shall be cleaned before 8:00 a.m. the morning following the storm.~~

~~D. Occupants of a short term rental shall not create excessive noise that is incompatible with adjacent land users.~~

~~E. A short term rental use shall not have any signs on the premises that advertise the use.~~

~~F. The use of a dwelling as a short term rental shall not change the appearance of the dwelling or property for residential purposes.~~

~~G. Outdoor pools, hot tubs or spas shall not be used between the hours of 10:00 p.m. and 8:00 a.m.~~

~~H. The operator of a short term rental must be continuously licensed to operate such a business under title 5 of this code.~~

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### Item 3.3 Public Hearing – Proposed amendments to the:

Foothill Recreation Zone F-20; Foothill Residential Zone F-1-43; Foothill Residential Zone F-1-21; Rural Residential Zone RR-1-43; Rural Residential Zone RR-1-21; Residential Single Family Zone R-1-15; Residential Single Family Zone R-1-10; Residential Single Family Zone R-1-8; Residential Single Family Zone R-1-6 zoning amendment. Modifying setbacks for accessory structures and re-evaluating adopted list of permitted and conditional uses.

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The item is on the agenda for a public hearing. The changes outlined in the document are the result of the discussion between staff and the planning commission from June 4, 2008. All changes are centered on the permitted and conditional uses as well as the setback requirements for accessory buildings.

Staff will discuss the changes in detail at the public hearing.

#### **Staff Contact:**

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**Chapter 19.08  
F-20 -- FORESTRY ZONE**

**Sections:**

- 19.08.010 Purpose.**
- 19.08.020 Permitted uses.**
- 19.08.030 Conditional uses.**
- 19.08.040 Water quality.**
- 19.08.050 Minimum lot size.**
- 19.08.060 Minimum lot width.**
- 19.08.070 Set backs.**
- 19.08.080 Maximum height of structures.**
- 19.08.090 Maximum lot coverage.**
- 19.08.100 Limits of disturbance.**
- 19.08.110 Tree and vegetation protection.**

**19.08.010 Purpose.**

The purpose of the F-20 zone is to provide recreational and residential opportunities for property owners within areas of hillside and steep slopes in the city while providing preservation of the natural landscape of hillsides.

**19.08.030 Conditional uses.**

Conditional uses in the F-20 zone are as follows:

1. Single family detached dwellings;
2. Planned unit development;
3. Private parks and recreational grounds;
4. Public and quasi-public use;
5. Radio and/or television tower;
6. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
7. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

8. Wireless telecommunication towers, subject to stealth measures; and

~~9. Household pets, provided the area proposed for animals is not in a watershed area, as determined by the health department.~~

**19.08.040 Water quality.**

(a) Health Department Approval Required. Prior to issuance of a conditional use permit or site plan approval for all uses in the F-20 zone, regardless of size or number of units, the applicant shall receive the written approval of the health department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.

(b) Developments of More than Nine Lots/Units. Developments of more than nine lots or units shall receive the written approval of the state Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the state Department of Environmental Quality relating to culinary water supply and wastewater disposal.

(c) Applicable State Regulations and Standards. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.

(d) Subsequent Changes in Site Plan. If after health department or state Department of Environmental Quality review and action pursuant to this

section, a site plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site plan.

**19.08.050 Minimum lot size.**

The minimum lot size for each single-family dwelling, and any other use, in the F-20 zone is 20 acres.

**19.08.060 Minimum lot width.**

The minimum lot width in the F-20 zone is 350 feet.

**19.08.070 Setbacks/yard requirements.**

Because of the unique nature of development and general concern for preservation of hillsides, individual setbacks for each lot developed in the F-20 zone will be evaluated and determined on a case-by-case basis by the director. If the director wishes, in certain cases he may refer the matter to the planning commission for decision. All setbacks in the F-20 zone shall be subject to the provisions of chapter 19.72, "Sensitive Lands."

**19.08.080 Maximum height of structures.**

1. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. For accessory buildings, heights will be determined on a case by case basis, subject to the foregoing maximums.

**19.08.090 Maximum lot coverage.**

The maximum lot coverage for the F-20 zone is two percent, which includes all structures.

**19.08.100 Limits of disturbance.**

Disturbance in the F-20 zone shall be limited to 43,560 square feet of each lot. The remaining property shall be left in its natural vegetative state. In no case shall the limits of disturbance be inside a watershed boundary.

**19.08.110 Tree and vegetation protection.**

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in chapter 19.72, "Sensitive Lands."

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## **Chapter 19.11 F-1-43 -- FOOTHILL RESIDENTIAL ZONE**

### **Sections:**

- 19.11.010 Purpose.**
- 19.11.020 Permitted uses.**
- 19.11.030 Conditional uses.**
- 19.11.040 Water quality.**
- 19.11.050 Minimum lot size.**
- 19.11.060 Minimum lot width.**
- 19.11.070 Setbacks/yard requirements.**
- 19.11.080 Site development plan approval.**
- 19.11.090 Maximum height of structures.**
- 19.11.100 Maximum lot coverage.**
- 19.11.110 Open space requirement.**
- 19.11.120 Tree and vegetation protection.**

### **19.11.010 Purpose.**

The purpose of the F-1-43 zone is to provide residential development opportunities for property owners within areas of steep slopes and hillsides in the city while providing preservation of the natural landscape of hillsides.

### **19.11.020 Permitted uses.**

Permitted uses within the F-1-43 zone are as follows:

1. Single-family detached dwellings
- ~~2. Home occupations;~~
- ~~3. Household pets, provided the area proposed for animals is not in a watershed area, as determined by the health department; and moved to 19.76~~
4. Accessory buildings customarily related to a permitted use.

### **19.11.030 Conditional uses.**

Conditional uses in the F-1-43 zone are as follows:

1. Agricultural uses, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
- ~~2. Bed and breakfast;~~
3. Churches; (need min. lot size)
- ~~4. Day care/pre school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; (covered in home occupations)~~
- ~~5. Home day care; (covered in home occupations)~~
6. Planned unit development;
7. Public and quasi-public use;
8. Radio and/or television tower;
9. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
10. Wireless telecommunication tower; and
11. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations."
12. Home occupations;

### **19.11.040 Water quality.**

(a) Health Department Approval Required. Prior to issuance of a conditional use permit or site plan approval for all uses in the F-1-43 zone, regardless of size or number of units, the applicant shall receive the written approval of the health department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.

(b) Developments of More than Nine Lots/Units. Developments of



more than nine lots or units shall receive the written approval of the state Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the state Department of Environmental Quality relating to culinary water supply and wastewater disposal.

(c) Applicable State Regulations and Standards. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.

(d) Subsequent Changes in Site Plan. If after health department or state Department of Environmental Quality review and action pursuant to this section, a site plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site plan.

**19.11.050 Minimum lot size.**

The minimum lot size for any use in the F-1-43 zone is 43,560 square feet.

**19.11.060 Minimum lot width.**

The minimum lot width in the F-1-43 zone is 200 feet, measured at the front setback of the home.

**19.11.070 Setbacks/yard.**

Because of the unique nature of development and general concern for preservation of hillsides, individual setbacks for each lot developed in the F-1-43 zone will be evaluated and determined on a case-by-case basis by the director. If the director wishes, he may refer to the planning commission to make the determination in certain cases. All setbacks shall be subject to the provisions of chapter 19.72, "Sensitive Lands."

**19.11.080 Site development plan approval.**

Site development plans for all development in the F-1-43 zone, including single-family dwellings, shall be approved prior to issuance of any building permits pursuant to the site development plan approval requirements set forth in 19.72, "Sensitive Lands."

**19.11.090 Maximum height of structures.**

1. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. For accessory buildings, heights will be determined on a case by case basis, subject to the foregoing maximums.

**19.11.100 Maximum lot coverage.**

The maximum lot coverage in the F-1-43 zone is 30%, which includes all structures.

**19.11.110 Open space requirement.**

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The minimum open space requirement for developments over five acres in the F-1-43 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.

### **19.11.120 Tree and vegetation protection.**

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in chapter 19.72, "Sensitive Lands."

**Chapter 19.14  
F-1-21 -- FOOTHILL  
RESIDENTIAL ZONE**

**Sections:**

- 19.14.010 Purpose.**
- 19.14.020 Permitted uses.**
- 19.14.030 Conditional uses.**
- 19.14.040 Water quality.**
- 19.14.050 Minimum lot size.**
- 19.14.060 Minimum lot width.**
- 19.14.070 Setbacks/yard requirements.**
- 19.14.080 Site development plan approval.**
- 19.14.090 Maximum height of structures.**
- 19.14.100 Maximum lot coverage.**
- 19.14.110 Open space requirement.**
- 19.14.120 Tree and vegetation protection.**

**19.14.010 Purpose.**

The purpose of the F-1-21 zone is to provide residential development opportunities for property owners within areas of steep slopes and hillsides in the city while providing preservation of the natural landscape of hillsides.

**19.14.020 Permitted uses.**

Permitted uses within the F-1-21 zone are as follows:

- 1. Single-family detached dwellings;
- ~~2. Home occupations;~~
- 3. Household pets, provided the area proposed for animals is not in a watershed area, as determined by the health department;

**19.14.030 Conditional uses.**

Conditional uses in the F-1-21 zone are as follows:

1. Agricultural uses, as allowed by the applicable accessory regulations in chapter 19.76 "Supplementary and Qualifying Regulations";

~~2. Bed and breakfast;~~

3. Churches;

~~4. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";~~

~~5. Golf course;~~

~~6. Home day care;~~

7. Planned unit development;

8. Public and quasi-public use;

9. Radio and/or television tower;

10. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

11. Water pumping plant and reservoir;

12. Wireless telecommunication tower; and

13. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations."

14. Home occupations.

**19.14.040 Water quality.**

(a) Health Department Approval Required. Prior to issuance of a conditional use permit or site plan approval for all uses in the F-1-21 zone, regardless of size or number of units, the applicant shall receive the written approval of the health department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.

(b) Developments of More than Nine Lots/Units. Developments of more than nine lots or units shall

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receive the written approval of the state Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the state Department of Environmental Quality relating to culinary water supply and wastewater disposal.

(c) Applicable State Regulations and Standards. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.

(d) Subsequent Changes in Site Plan. If after health department or state Department of Environmental Quality review and action pursuant to this section, a site plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site plan.

### **19.14.050 Minimum lot size.**

The minimum lot size for any use in the F-1-21 zone is 21,780 square feet.

### **19.14.060 Minimum lot width.**

The minimum lot width in the F-1-21 zone is 100 feet, measured at the front setback of the home.

### **19.14.070 Setbacks/yard requirements.**

Because of the unique nature of development and general concern for preservation of hillsides, individual setbacks for each lot developed in the F-1-21 zone will be evaluated and determined on a case-by-case basis by the director. If the director wishes, in certain cases he may refer the matter to the planning commission for decision. All setbacks shall be subject to the provisions of chapter 19.72, "Sensitive Lands."

### **19.14.080 Site development plan approval.**

Site development plans for all development in the F-1-21 zone, including single-family dwellings, shall be approved prior to issuance of any building permits pursuant to the site development plan approval requirements set forth in chapter 19.72, "Sensitive Lands."

### **19.14.090 Maximum height of structures.**

1. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

### **19.14.100 Maximum lot coverage.**

The maximum lot coverage in the F-1-21 zone is 30%, which includes all structures.

**19.14.110 Open space requirement.**

The minimum open space requirement for developments over five acres in the F-1-21 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.

**19.14.120 Tree and vegetation protection.**

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in chapter 19.72, "Sensitive Lands."

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## **Chapter 19.17 RR-1-43 – RURAL RESIDENTIAL ZONE**

### **Sections**

- 19.17.010 Purpose.**
- 19.17.020 Permitted uses.**
- 19.17.030 Conditional uses.**
- 19.17.040 Lot area.**
- 19.17.050 Lot width.**
- 19.17.060 Front yard.**
- 19.17.070 Side yard.**
- 19.17.080 Rear yard.**
- 19.17.090 Maximum height of structures.**
- 19.17.100 Maximum lot coverage.**
- 19.17.110 Open space requirement.**

### **19.17.010 Purpose.**

The purpose of the RR-1-43 zone is to provide areas in the city for low-density rural residential development, at a rate of one unit per acre, together with limited agricultural uses.

### **19.17.020 Permitted uses.**

Permitted uses in the RR-1-43 zone are as follows:

1. Single-family detached dwellings;
2. Accessory uses and buildings customarily incidental to permitted uses;
- ~~3. Agriculture, farm, and farm animals, subject to the restriction of the accessory regulations of this code; covered in animals chapter?~~
- ~~4. Home occupations;~~
- ~~5. Home day care/preschool; and~~
- ~~6. Household pets.~~

### **19.17.030 Conditional uses.**

Conditional uses in the RR-1-43 zone are as follows:

- ~~1. Bed and breakfast;~~
- ~~2. Cemetery;~~
- ~~3. Day care/preschool center;~~
- ~~4. Dwelling group. The development shall comply with the maximum allowable density for the RR-1-43 zone.~~

~~(a) The distance between the principal buildings shall be equal to the total side yards required in the zone; provided, however, that, at the option of the developer, the distance between the principal structures may be reduced to ten feet, provided that the difference between ten feet and the required side yards is maintained as permanently landscaped open space elsewhere on the site. The distance between principal buildings and the nearest perimeter lot line shall not be less than 15 feet unless demonstrated by the development plan that the yard required for a principal building in that zoning district is more appropriate.~~

~~(b) The distance between the building and a public street shall be not less than the front yard required in the zoning district, except for corner lots the side yard which faces on a public street shall be not less than 20 feet.~~

~~(c) Access shall be provided by a private street or right of way from a public street; the private street or right-of-way shall not be less than 20 feet wide for one or two rear dwelling units and not less than 30 feet wide for three or more dwelling units.~~

~~(d) A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall be designed to comply with the city's parking standards.~~

~~(e) Every dwelling in the dwelling group shall be within 60 feet of an access roadway or drive.~~

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~~—(f) The development plan shall provide a buffer landscaped area along all property lines and decorative landscaping adjacent to the buildings in appropriate locations. Solid visual barrier fences shall be provided along all property lines unless the planning commission approves otherwise by deleting or modifying the fence requirement.~~

~~—(g) The development shall be approved by the director and the fire department before final approval is given by the planning commission.~~

5. Fruit and/or vegetable stand, provided that the products are produced on the premises;

6. Golf course;

~~—7. Residential facility for elderly persons;~~

~~—8. Home day care/preschool;~~

~~—9. Milk processing and sale, provided that at least 50% of the milk processed or sold is produced on the premises;~~

~~—10. Nursery and/or greenhouse, excluding retail sales;~~

11. Nursing home; add minimum lot size

12. Pigeons, subject to health department regulations; should be covered in animals section?

13. Planned unit development;

~~—14. Plant for storage or packing of fruit or vegetables produced on the premises;~~

~~—15. Private educational institution having an academic curriculum similar to that ordinarily given in public schools; covered by quasi-public use~~

16. Private nonprofit recreational grounds and facilities; add to churches

17. Public and quasi-public uses;

~~—18. Radio and television transmitting and relay station and tower, excluding business office or~~

~~studio, except such control room studio facilities as required for emergency broadcasts in the event of a national or local disaster;~~

19. Residential health care facility for up to five residents on streets less than 80 feet in width, and up to ten residents on street 80 feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time unless additional staffing is required by the state department of health, which use shall not change the residential appearance and character of the property;

20. Sportsman's kennel for personal, non-commercial use; Sportsman's kennel (minimum lot area one acre); and

~~—21. Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the city at the expense of the owner.~~

22. Home occupations.

### **19.17.040 Lot area.**

The minimum lot size for any use in the RR-1-43 zone is 43,560 square feet. Upon the director's recommendation, the planning commission may require that certain uses, other than single-family residential, maintain a larger minimum lot size.

### **19.17.050 Lot width.**

The minimum width of any lot in the RR-1-43 zone shall be 100 feet,

measured at the front setback of the home.

**19.17.060 Front yard.**

In RR-1-43 zone, the minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of eight feet shall be 30 feet, or the average of the existing buildings where 50% or more of the frontage is developed, provided that in no case shall the depth of the front yard be less than 20 feet, or be required to be more than 30 feet. All accessory buildings, other than private garages which have a side yard of at least eight feet, shall be located at least six feet in the rear of the main building.

**19.17.070 Side yard.**

1. Dwellings and Accessory Buildings. In the RR-1-43 zone, the minimum side yard for any dwelling shall be ten feet, and the total width of the two required side yards shall be not less than 20 feet.

2. The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

3. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than 20 feet, or the average of existing buildings where 50% or more of the frontage is developed, but in no case less than 15 feet.

**19.17.080 Rear yard.**

In the RR-1-43 zone, the minimum depth of the rear yard for any main building shall be 30 feet, and for

accessory buildings five feet; provided, that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.

**19.14.090 Maximum height of structures.**

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. Accessory buildings in the RR-1-43 zone shall maintain a minimum distance from property lines as follows: Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

Attached garages shall conform to the rear yard requirements of main buildings.

ED. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

DE. Accessory structures which meet the minimum side, rear and front setbacks for main buildings in the RR-1-43 zone may have an increase in maximum height to equal the maximum



height of main buildings in the RR-1-43 zone.

**19.17.100 Maximum lot coverage.**

The maximum lot coverage in the RR-1-43 zone is 30%, which includes all structures.

**19.17.110 Open space requirement.**

The minimum open space requirement for developments over five acres in the RR-1-43 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.

**Chapter 19.18**  
**RR-1-29 – RURAL RESIDENTIAL**  
**ZONE**

**Sections**

- 19.18.010 Purpose.**
- 19.18.020 Permitted uses.**
- 19.18.030 Conditional uses.**
- 19.18.040 Lot area.**
- 19.18.050 Lot width.**
- 19.18.060 Front yard.**
- 19.18.070 Side yard.**
- 19.18.080 Rear yard.**
- 19.18.090 Maximum height of structures.**
- 19.18.100 Maximum lot coverage.**
- 19.18.110 Open space requirement.**

**19.18.010 Purpose.**

The purpose of the RR-1-29 zone is to provide a zone in the city which may function as a buffer of land uses and intensities of development between the RR-1-43 zone and the RR-1-21 zone in the rural residential areas of the city. The RR-1-29 zone is intended to be consistent with the general plan designation of rural residential and provide a tool for the creative design of single-family residential developments where the context of existing neighborhoods is accounted for in design.

**19.18.020 Permitted uses.**

Permitted uses in the RR-1-29 zone are as follows:

1. Single-family detached dwellings;
2. Accessory uses and buildings customarily incidental to permitted uses;
3. Agriculture, farm, and farm animals, subject to the restriction of the accessory regulations of this code;

**19.18.030 Conditional uses.**

Conditional uses in the RR-1-29 zone are as follows:

- ~~1. Bed and breakfast;~~
- ~~2.1. Home occupations;~~
- ~~3. Home day care/preschool; and~~
- ~~4. Day care/preschool center;~~
- ~~5. Fruit and/or vegetable stand, provided that the products are produced on the premises;~~
- ~~6.2. Nursery and/or greenhouse, excluding retail sales;~~
- ~~7.3. Planned unit development;~~
- ~~8.4. Public and quasi-public uses;~~
- ~~9.5. Sportsman's kennel for personal, non-commercial use; and~~
- ~~10. Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the city at the expense of the owner. Move to 19.76~~
6. Home occupations.

**19.18.040 Lot area.**

The minimum lot size for any use in the RR-1-29 zone is 29,040 square feet. To provide consistency with surrounding existing rural residential neighborhoods, new developments in the RR-1-29 zone shall, to the greatest extent reasonably possible, be organized in a manner that will allow the new development to match the physical context of the existing residential lots surrounding the new development, including, without limitation, locating the largest lots of the new development adjacent to the largest lots of the surrounding existing residential neighborhood. Upon the

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director's recommendation, the planning commission may require that certain uses, other than single-family residential, maintain a larger minimum lot size.

### **19.18.050 Lot width.**

The minimum width of any lot in the RR-1-29 zone shall be 100 feet, measured at the front setback of the home.

### **19.18.060 Front yard.**

In RR-1-29 zone, the minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of eight feet shall be 30 feet, or the average of the existing buildings where 50% or more of the frontage is developed, provided that in no case shall the depth of the front yard be less than 20 feet, or be required to be more than 30 feet. All accessory buildings, other than private garages which have a side yard of at least eight feet, shall be located at least six feet in the rear of the main building.

### **19.18.070 Side yard.**

1. Dwellings and Accessory Buildings. In the RR-1-29 zone, the minimum side yard for any dwelling shall be ten feet, and the total width of the two required side yards shall be not less than 20 feet.

2. The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

3. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less

than 20 feet, or the average of existing buildings where 50% or more of the frontage is developed, but in no case less than 15 feet.

### **19.18.080 Rear yard.**

In the RR-1-29 zone, the minimum depth of the rear yard for any main building shall be 30 feet, and for accessory buildings five feet; provided, that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.

### **19.18.090 Maximum height of structures.**

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. Accessory buildings in the RR-1-29 zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

Attached garages shall conform to the rear yard requirements of main buildings.

ED. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from

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the minimum setback to allow a maximum height of 20 feet.

~~D~~E. Accessory structures which meet the minimum side, rear and front setbacks for main buildings in the RR-1-29 zone may have an increase in maximum height to equal the maximum height of main buildings in the RR-1-29 zone.

### **19.18.100 Maximum lot coverage.**

The maximum lot coverage in the RR-1-29 zone is 30%, which includes all structures.

### **19.18.110 Open space requirement.**

The minimum open space requirement for developments over five acres in the RR-1-29 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.

**Chapter 19.20**  
**RR-1-21 – RURAL RESIDENTIAL**  
**ZONE**

**Sections:**

- 19.20.010 Purpose.**
- 19.20.020 Permitted uses.**
- 19.20.030 Conditional uses.**
- 19.20.040 Lot area.**
- 19.20.050 Lot width.**
- 19.20.060 Front yard.**
- 19.20.070 Side yard.**
- 19.20.080 Rear yard.**
- 19.20.090 Maximum height of structures.**
- 19.20.100 Maximum lot coverage.**
- 19.20.110 Open space requirement.**

**19.20.010 Purpose.**

The purpose of the RR-1-21 zone is to provide areas in the city for low-density rural residential development, together with limited agricultural uses.

**19.20.020 Permitted uses.**

Permitted uses in the RR-1-21 zone are as follows:

1. Single family detached dwellings;
2. Accessory uses and buildings customarily incidental to permitted uses;
3. Agriculture, farm, and farm animals, subject to the restriction of the accessory regulations of this code;
4. Home occupations;
- 5. Home day care/preschool; and
- 6. Household pets.

**19.20.030 Conditional uses.**

Conditional uses in the RR-1-21 zone are as follows:

- 1. Bed and breakfast;
- 2. Cemetery;
- 3. Day care/preschool center;

— 4. Dwelling group. — The development shall comply with the maximum allowable density for the RR-1-21 zone.

— (a) The distance between the principal buildings shall be equal to the total side yards required in the zone; provided, however, that at the option of the developer, the distance between the principal structures may be reduced to ten feet, provided that the difference between ten feet and the required side yards is maintained as permanently landscaped open space elsewhere on the site. The distance between principal buildings and the nearest perimeter lot line shall not be less than 15 feet unless demonstrated by the development plan that the yard required for a principal building in that zoning district is more appropriate.

— (b) The distance between the building and a public street shall be not less than the front yard required in the zoning district, except for corner lots the side yard which faces on a public street shall be not less than 20 feet.

— (c) Access shall be provided by a private street or right-of-way from a public street; the private street or right-of-way shall not be less than 20 feet wide for one or two rear dwelling units and not less than 30 feet wide for three or more dwelling units.

— (d) A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall be designed to comply with the city's parking standards.

— (e) Every dwelling in the dwelling group shall be within 60 feet of an access roadway or drive.

— (f) The development plan shall provide a buffer landscaped area along all property lines and decorative

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landscaping adjacent to the buildings in appropriate locations. Solid visual barrier fences shall be provided along all property lines unless the planning commission approves otherwise by deleting or modifying the fence requirement.

— (g) The development shall be approved by the director and the fire department before final approval is given by the planning commission.

— 5. Fruit and/or vegetable stand, provided that the products are produced on the premises;

— 6. Golf course;

— 7. Residential facility for elderly persons;

— 8. Home day care/preschool;

— 9. Milk processing and sale, provided that at least 50% of the milk processed or sold is produced on the premises;

— 10. Nursery and/or greenhouse, excluding retail sales;

— 11. Nursing home;

— 12. Pigeons, subject to health department regulations; is this covered in animals?

— 13. Planned unit development;

— 14. Plant for storage or packing of fruit or vegetables produced on the premises;

— 15. Private educational institution having an academic curriculum similar to that ordinarily given in public schools;

— 16. Private nonprofit recreational grounds and facilities; move to churches

— 17. Public and quasi-public uses;

— 18. Radio and television transmitting and relay station and tower, excluding business office or studio, except such control room studio facilities as required for emergency

broadcasts in the event of a national or local disaster;

— 19. Residential health care facility for up to five residents on streets less than 80 feet in width, and up to ten residents on streets 80 feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time unless additional staffing is required by the state department of health, which use shall not change the residential appearance and character of the property;

— 20. Sportsman's kennel for personal, non-commercial use (min. lot size 21,780 square feet); Sportsman's kennel (minimum lot area one acre);

— 21. Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the city at the expense of the owner; move to 19.76

22. home occupations

## **19.20.040 Lot area.**

The minimum lot size for any use in the RR-1-21 zone is 21,780 square feet. Upon the director's recommendation, the planning commission may require that certain uses, other than single-family residential, maintain a larger minimum lot size.

## **19.20.050 Lot width.**

The minimum width of any lot in the RR-1-21 zone is 80 feet measured 20 feet from the front lot line.

## **19.20.060 Front yard.**

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In the RR-1-21 zone, the minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of eight feet shall be 30 feet, or the average of the existing buildings where 50% or more of the frontage is developed, provided that in no case shall the depth of the front yard be less than 20 feet, or be required to be more than 30 feet. All accessory buildings, other than private garages which have a side yard of at least eight feet, shall be located at least six feet in the rear of the main building.

## **19.20.070 Side yard.**

1. Dwellings and Accessory Buildings. In the RR-1-21 zone, the minimum side yard for any dwelling shall be ten feet, and the total width of the two required side yards shall be not less than 20 feet.

2. The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

3. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than 20 feet, or the average of existing buildings where 50% or more of the frontage is developed, but in no case less than 15 feet.

## **19.20.080 Rear yard.**

In the RR-1-21 zone, the minimum depth of the rear yard for any main building shall be thirty feet, and for accessory buildings five feet; provided, that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.

## **19.20.090 Maximum height of structures.**

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a hillside sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. Accessory buildings in the RR-1-21 zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

Attached garages shall conform to the rear yard requirements of main buildings.

ED. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

DE. Accessory structures which meet the minimum side, rear and front setbacks for main buildings in the RR-1-21 zone may have an increase in maximum height to equal the maximum height of main buildings in the RR-1-21 zone.

## **19.20.100 Maximum lot coverage.**

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The maximum lot coverage in the RR-1-21 zone is 30%, which includes all structures.

### **19.20.110 Open space requirement.**

The minimum open space requirement for developments over five acres in the RR-1-21 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.



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## **Chapter 19.23 R-1-15 -- RESIDENTIAL SINGLE- FAMILY ZONE**

### **Sections:**

- 19.23.010 Purpose.**
- 19.23.020 Permitted uses.**
- 19.23.030 Conditional uses.**
- 19.23.040 Minimum lot size.**
- 19.23.050 Minimum lot width.**
- 19.23.060 Setbacks/yard requirements.**
- 19.23.070 Maximum height of structures.**
- 19.23.080 Maximum lot coverage.**
- 19.23.090 Open space requirement.**

### **19.23.010 Purpose.**

The purpose of the R-1-15 zone is to allow for the establishment of single-family homes organized in low-density residential neighborhoods characteristic of traditional suburban residential developments.

### **19.23.020 Permitted uses.**

Permitted uses in the R-1-15 zone are as follows:

1. Single-family detached dwellings;
2. Accessory buildings customary to single-family housing; and

~~3. Home occupations.~~

### **Conditional use**

### **19.23.030 Conditional uses.**

Conditional uses in the R-1-15 zone are as follows:

1. Churches and private non-profit recreational grounds associated with that use;
2. ~~Bed and breakfast;~~
3. ~~Day care/pre-school, as allowed by the applicable accessory regulations~~

~~in chapter 19.76, "Supplementary and Qualifying Regulations";~~

4. Planned unit developments;
5. ~~Private parks and recreational grounds;~~
6. Public and quasi-public uses;
7. ~~Radio and/or television tower;~~
8. ~~Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; cover in 19.76~~
9. ~~Water pumping plant and reservoir; should be covered by public use~~
10. Wireless telecommunication towers;
11. ~~Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; and~~
12. ~~Public schools.~~
13. Home occupations

### **19.23.040 Minimum lot size.**

The minimum lot size in the R-1-15 zone is 15,000 square feet.

### **19.23.050 Minimum lot width.**

The minimum lot width in the R-1-15 zone is 80 feet measured 20 feet from the front lot line.

### **19.23.060 Setbacks/yard requirements.**

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 25 feet.

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Sides: 10 feet on interior lots, 20 feet on corner lots.

Rear: 20 feet.

Accessory buildings in the R-1-15 zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

Attached garages shall conform to the rear yard requirements of main buildings.

~~Front:~~ Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.

~~Sides:~~ Five feet, excluding garages, on interior lots; 20 feet on corner lots.

~~Rear:~~ Five feet, excluding garages, on interior lots; 20 feet on corner lots.

~~Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.~~

Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

### **19.23.070 Maximum height of structures.**

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

### **19.23.080 Maximum lot coverage.**

The maximum lot coverage in the R-1-15 zone is 50%, which includes all structures.

### **19.23.090 Open space requirement.**

The minimum open space requirement for developments over five acres in the R-1-15 zone is ten percent for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.

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## **Chapter 19.25 R-1-10 -- RESIDENTIAL SINGLE- FAMILY ZONE**

### **Sections:**

#### **19.25.010 Purpose.**

#### **19.25.020 Permitted uses.**

#### **19.25.030 Conditional uses.**

#### **19.25.040 Minimum lot size.**

#### **19.25.050 Minimum lot width.**

#### **19.25.060 Setbacks/yard requirements.**

#### **19.25.070 Maximum height of structures.**

#### **19.25.080 Maximum lot coverage.**

#### **19.25.090 Open space requirement.**

#### **19.25.010 Purpose.**

The purpose of the R-1-10 zone is to allow for the establishment of single-family homes organized in low-density residential neighborhoods characteristic of traditional suburban residential developments.

#### **19.25.020 Permitted uses.**

Permitted uses in the R-1-10 zone are as follows:

1. Single-family detached dwellings;
2. Accessory buildings customary to single-family housing; and
3. ~~Home occupations.~~

#### **19.25.030 Conditional uses.**

Conditional uses in the R-1-10 zone are as follows:

1. Churches and private non-profit recreational grounds associated with that use;
2. ~~Bed and breakfast;~~
3. ~~Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";~~
4. Planned unit developments;

~~5. Private parks and recreational grounds;~~

6. Public and quasi-public use;

~~7. Radio and/or television tower;~~

~~8. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; add to 19.76~~

~~9. Water pumping plant and reservoir covered by public use;~~

10. Wireless telecommunication towers;

~~11. Utility stations and lines, as allowed by the applicable accessory regulations from chapter 19.76, "Supplementary and Qualifying Regulations"; and~~

~~12. Public schools. Both covered by public use~~

13. Home occupations.

#### **19.25.040 Minimum lot size.**

The minimum lot size in the R-1-10 zone is 10,000 square feet.

#### **19.25.050 Minimum lot width.**

The minimum lot width in the R-1-10 zone is 70 feet, measured 20 feet from the front lot line.

#### **19.25.060 Setbacks/yard requirements.**

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 25 feet.

Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet.

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On corner lots, at least 20 feet per side yard.

Rear: 20 feet.

Accessory buildings in the R-1-10 zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

Attached garages shall conform to the rear yard requirements of main buildings.

~~Front:~~ Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.

~~Sides:~~ Five feet, excluding garages, on interior lots; 20 feet on corner lots.

~~Rear:~~ Five feet, excluding garages, on interior lots; 20 feet on corner lots.

~~Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.~~

Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

### **19.25.070 Maximum height of structures.**

1. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

### **19.25.080 Maximum lot coverage.**

The maximum lot coverage in the R-1-10 zone is 50%, including all structures.

### **19.25.090 Open space requirement.**

The minimum open space requirement for developments over five acres in the R-1-10 zone is ten percent for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.

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## **Chapter 19.26** **R-1-8 -- RESIDENTIAL SINGLE-FAMILY ZONE**

### **Sections:**

#### **19.26.010 Purpose.**

#### **19.26.020 Permitted uses.**

#### **19.26.030 Conditional uses.**

#### **19.26.040 Minimum lot size.**

#### **19.26.050 Minimum lot width.**

#### **19.26.060 Setbacks/yard requirements.**

#### **19.26.070 Maximum height of structures.**

#### **19.26.080 Maximum lot coverage.**

#### **19.26.090 Open space requirement.**

#### **19.26.010 Purpose.**

The purpose of the R-1-8 zone is to allow for the establishment of single-family homes organized in low-density residential neighborhoods characteristic of traditional suburban residential developments.

#### **19.26.020 Permitted uses.**

Permitted uses in the R-1-8 zone are as follows:

1. Single-family detached dwellings;
2. Accessory buildings customary to single-family housing; and
- 3. ~~Home occupations.~~

#### **19.26.030 Conditional uses.**

Conditional uses in the R-1-8 zone are as follows:

1. Churches and private non-profit recreational grounds associated with that use;
2. ~~Bed and breakfast;~~
- 3. ~~Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";~~
4. Planned unit developments;

~~5. Private parks and recreational grounds;~~

~~6. Public and quasi-public use;~~

~~7. Radio and/or television tower;~~

~~8. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; move to 19.76~~

~~9. Water pumping plant and reservoir;~~

~~10. Wireless telecommunication towers;~~

~~11. Utility stations and lines, as allowed by the applicable accessory regulations from chapter 19.76, "Supplementary and Qualifying Regulations"; and~~

~~12. Public schools.~~

#### **19.26.040 Minimum lot size.**

The minimum lot size in the R-1-8 zone is 8,000 square feet.

#### **19.26.050 Minimum lot width.**

The minimum lot width in the R-1-8 zone is 70 feet, measured 20 feet from the front lot line.

#### **19.26.060 Setbacks/yard requirements.**

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 25 feet.

Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet. On corner lots, at least 20 feet per side yard.

Rear: 20 feet.

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Accessory buildings in the R-1-8 zone shall maintain a minimum distance from property lines as follows:

**Front:** Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

**Sides:** Three feet on interior lots; 20 feet on the street side of corner lots.

**Rear:** Three feet on interior lots; 20 feet on the street side of corner lots.

Attached garages shall conform to the rear yard requirements of main buildings.

~~Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.~~

~~Sides: Five feet, excluding garages, on interior lots; 20 feet on corner lots.~~

~~Rear: Five feet, excluding garages, on interior lots; 20 feet on corner lots.~~

~~Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.~~

~~Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.~~

## **19.26.070 Maximum height of structures.**

1. For uses where the slope of the original ground surface is greater than

15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

## **19.26.080 Maximum lot coverage.**

The maximum lot coverage in the R-1-8 zone is 50%, including all structures.

## **19.26.090 Open space requirement.**

The minimum open space requirement for developments over five acres in the R-1-6 zone is ten percent for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.

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## **Chapter 19.29** **R-1-6 -- RESIDENTIAL SINGLE-FAMILY ZONE**

### **Sections:**

#### **19.29.010 Purpose.**

#### **19.29.020 Permitted uses.**

#### **19.29.030 Conditional uses.**

#### **19.29.040 Minimum lot size.**

#### **19.29.050 Minimum lot width.**

#### **19.29.060 Setbacks/yard requirements.**

#### **19.29.070 Maximum height of structures.**

#### **19.29.080 Maximum lot coverage.**

#### **19.29.090 Open space requirement.**

#### **19.29.010 Purpose.**

The purpose of the R-1-6 zone is to allow for the establishment of single-family homes organized in medium-density neighborhoods characteristic of traditional suburban residential developments.

#### **19.26.020 Permitted uses.**

Permitted uses in the R-1-6 zone are as follows:

1. Single-family detached dwellings;
2. Accessory buildings customary to single-family housing; and
- ~~3. Home occupations.~~

#### **19.29.030 Conditional uses.**

Conditional uses in the R-1-6 zone are as follows:

- ~~1. Bed and breakfast;~~
2. Churches and private non-profit recreational grounds associated with that use;
- ~~3. Day care/pre-school, as allowed by the applicable accessory regulations from chapter 19.76, "Supplementary and Qualifying Regulations";~~
- ~~4. Golf course;~~

5. Planned unit development;
- ~~6. Private parks and recreational grounds;~~
7. Public and quasi-public uses;
- ~~8. Radio and/or television tower;~~
- ~~9. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; put in 19.76~~
- ~~10. Water pumping plant and reservoir;~~
11. Wireless telecommunication towers; and
- ~~12. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations."~~

#### **19.29.040 Minimum lot size.**

The minimum lot size in the R-1-6 zone is 6,000 square feet.

#### **19.29.050 Minimum lot width.**

The minimum lot width in the R-1-6 zone is 60 feet measured at the front setback.

#### **19.29.060 Setbacks/yard requirements.**

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 20 feet.

Sides: On interior lots, a total of at least 15 feet between the two side yards, with no side yard of less than five feet. On corner lots, at least 15 feet per side yard.

Rear: 20 feet.

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Accessory buildings in the R-1-6 zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

Attached garages shall conform to the rear yard requirements of main buildings.

~~Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.~~

~~Sides: Five feet, excluding garages, on interior lots; 20 feet on corner lots.~~

~~Rear: Five feet, excluding garages, on interior lots; 20 feet on corner lots.~~

~~Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.~~

~~Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.~~

### **19.29.070 Maximum height of structures.**

1. For uses where the slope of the original ground surface is greater than

15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

### **19.29.080 Maximum lot coverage.**

The maximum lot coverage for the R-1-6 zone is 50%, including all structures.

### **19.29.090 Open space requirement.**

The minimum open space requirement for developments over five acres in the R-1-6 zone is ten percent for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.



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